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ABSTRACT

The result of a program audit requested by the Office of Education (OE), this report addresses all major elements affecting the operation of the Title I Migrant Education Program and includes recommendations of the Migrant Branch Chief and of key OE advisors for the program. Following a discussion of background legislation, of recommendations resulting from research and program assessment, and of program regulations, the report presents 15 critical policy and management issues designed to define the way OE will administer the migrant program. Issues #1-#9 are funding issues to be considered in conjunction with material in Appendices C and D. Issue #1 is also designed to encourage States to assess the educational needs of migrant children and ways to meet those needs. Issues #10-#13 deal with program priorities in the areas of parental involvement, interstate coordination, use of the proper mix of subgrantees, and preschool education. Issue #14 deals with monitoring and sanctions. Issue #15 deals with the organizational placement of the Migrant Education Program. Several key problems concerning internal management and recommendations for their resolution are discussed. Appendices contain summaries of seven migrant education studies, a history of regulations development, a description of the existing system for processing grant applications, a scenario for improving application processing, the method now used to monitor grant awards and proposals for improvement, and a proposed organization for the Migrant Education Program. (CM)

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PROGRAM AUDIT OF THE
TITLE I MIGRANT EDUCATION PROGRAM

Conducted by

DR. WILLIAM ROCK

Submitted to

THE OFFICE OF EDUCATION
DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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BJECT: Title I Migrant Education Program -- ACTION MEMORANDUM

PURPOSE

The purpose of this paper is to obtain your decisions on the critical management and policy issues relating to the continuing implementation of the Title I Migrant Education Program. Your decisions are requested also to solve several key administrative problems that have made program implementation difficult.

This paper is a result of the comprehensive program audit you caused to be conducted. All major elements affecting the operation of the Title I Migrant Education Program are addressed herein either in the main body of the report or the several appendices. The recommendations of the Migrant Branch Chief responsible for conducting this audit and the recommendations of your key advisors for this program are included at Tab 1. The recommendations of the Migrant Branch Chief for solving the key administrative problems and the views of your key advisors on these recommendations are included at Tab 2.

BACKGROUND

Title I of Pub. L. 89-10, the Elementary and Secondary Education Act (ESEA) of 1965, authorized a national program of Federal education support for disadvantaged children. In November of 1966, Title I, ESEA, was amended by Pub. L. 89-750 to incorporate special provisions for migratory children of migratory agricultural workers.

Section 103 of Pub. L. 89-750 (Education Amendments of 1966) authorized "payments to State educational agencies for assistance in educating migratory children of migratory agricultural workers." The new program provided for grants to State educational agencies (SEAs) or combinations of such agencies to establish or improve, either directly or through local educational agencies (LEAs), programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers. Pub. L. 89-750 also provided that grant monies were to be used for the interstate coordination of migrant education programs and projects, including the transmittal of pertinent information from children's school records.

Other significant legislation amending the Title I migrant education statute includes the Education Amendments of 1967 (Pub. L. 90-247); the Education Amendments of 1969

(Pub. L. 91-230); the Education Amendments of 1972 (Pub. L. 92-318); and the Education Amendments of 1974 (Pub. L. 93-380). These laws provided statements concerning such program components as the eligibility of the five-year settled-out migratory child, the reallocation of excess funds, the use of carryover funds, the dissemination of information, parental involvement, a prohibition against supplanting State and local funds, preschool education, the use of statistics from the Migrant Student Record Transfer System (MSRTS) for funding purposes, the eligibility of migratory children of migratory fishermen, and the identification and dissemination of information concerning innovative and successful projects.

Each year since the inception of the program, funding for these educational services has increased--from approximately $10 million in Fiscal Year 1967 to $173 million for Fiscal Year 1979:

Fiscal Year	Allocation
1967	$ 9,737,847
1968	41,692,425
1969	45,556,074
1970	51,014,319
1971	57,608,680
1972	64,822,926
1973	72,772,187
1974	78,331,437
1975	91,953,160
1976	97,090,478
1977	130,909,832
1978	145,759,940
1979	173,548,829

An important component of the national program is the Migrant Student Record Transfer System (MSRTS). This computerized data system receives, stores, and transmits academic and health information on children participating in Title I migrant projects in each of the 46 participating States and Puerto Rico. Schools are responsible for submitting academic, health, and status information about the migrant children they serve to the local terminal operator in order to maintain the accuracy, completeness, and currency of information in the record transfer system. When children move to new locations, this information can be retrieved by their new teachers and by school health officials. To meet the need for continuity of educational services, States are now in the process of implementing the transmittal of standard reading and mathematics skills. These coded skills will be added to the MSRTS files so that as students move from one school to another, their records will indicate which skills they have most recently mastered. In this way, teachers will be able to continue the efforts of their predecessors and to plan an appropriate educational program for each child.

MSRTS information that is relevant to the placement and care of children includes school attendance; health screenings, administrations, and subsequent treatments; urgent and/or chronic health conditions; the status of treatment procedures; innoculations that are needed or have been administered; standardized tests that have been administered and the dates and scores; and special educational programs of student involvement or interest.

Some overview statistics regarding the Title I Migrant Education Program for the current year are as follows:

1. Participation -- 46 States and Puerto Rico
2. Appropriation -- $173,548,829
3. Projects -- 2,900
4. Participating Schools -- 16,000
5. Children -- 470,000

K-12 - 87.75%
Preschool - 12.25%
100.00%

Interstate Agricultural - 41.25%
Intrastate Agricultural - 24.95%
Five-Year Agricultural - 32.35%
Interstate Fisher - .45%
Intrastate Fisher - .35%
Five-Year Fisher - .65%
100.00%

RESEARCH AND PROGRAM ASSESSMENT

A number of reviews and studies of the Title I Migrant Education Program have been conducted since the inception of the program. Some of these have assessed the administration of the program; others have attempted to describe the needs of migratory children; still others have attempted to assess the impact of the program on the education of the children.

The findings have been fairly consistent and have led to certain recommendations being offered a number of times. These recommendations are as follows:

1. Programs of education for migratory children need to be national in scope and interstate in their nature.

2. The leadership for the program must rest with the Office of Education.

3. The Office of Education's Migrant Branch must be more fully staffed and funded to fulfill its program responsibilities.

4. There must be better interagency coordination of programs of service to migrants.

5. Federal and State administration of the program must be improved with particular respect to planning, monitoring, and evaluation.

6. The level of parental involvement needs to be increased.

More detailed summaries of seven of the studies that were conducted from 1971 through 1977 may be found in Appendix A. Many of the issues that are included in this paper were identified in these studies.

In February 1976, the Office of Planning, Budgeting, and Evaluation awarded a $3.2 million contract to the Research Triangle Institute in North Carolina. The major thrusts of this study are:

--- To determine the effect of the Migrant Education Program on student achievement and attitudes. Pre and post tests will be administered to 6000 students in grades 2, 4, and 6 to measure growth during the 1978-1979 year. Individual language tests will be administered to 600 children.

--- To describe the migratory student and the services he/she receives. A descriptive study of 7000 migratory students, aged 5-17, is being conducted. The description will include the characteristics of the students and the services they receive. Four hundred projects funded by the Migrant Education Program, including both summer and school year projects, will be described.

--- To validate the 1977 counts for the Migrant Student Record Transfer System. A validation study involving the same 7000 children will be conducted to determine the accuracy of the MSRTS for counting purposes.

--- To develop evaluation models to meet the requirements of Section 151 of the Elementary and Secondary Education Act of 1965.

PROGRAM REGULATIONS

Although the Congress authorized the Title I Migrant Education Program in 1966, the Office of Education did not issue a Notice of Proposed Rulemaking until July 8, 1975. Due to the failure of the Office of Education to provide appropriate opportunity for parents of migratory children to comment, the Secretary ordered additional public hearings. Subsequent hearings were again challenged as being inadequate by the National Child Labor Committee in a lawsuit filed in the United States District Court in Washington, D.C. Following disposition of this suit at the District Court level, the Commissioner ordered additional hearings held. These have been conducted, the comments considered, and final regulations are now going through the review process for publication in late August or early September. Obviously, the publication of regulations has not been timely. A complete description of the process to date, including the results of applying the Gunning-Fog Index as a readability check, may be found in Appendix B.

Care has been taken during the conduct of this program audit to avoid any action that would interfere with the publication of final regulations by September 1978. It has been made clear to both OGC and program staff by the independent consultant that policy issues raised in this paper, when resolved, should be considered as possible amendments to the final regulations. Such action, hopefully, may be done in conjunction with other amendments that may be required once H.R. 15 and S. 1753 become law.

There are two reasons why care has been used to avoid interfering with the ongoing process of rulemaking. First, an appeal of the suit filed by the National Child Labor Committee may be heard by the Court of Appeals as early as September 1978. Issuance of final regulations by that date should make the appeal moot. Second, it is more efficient to publish a Notice of Proposed Rulemaking to amend the regulations once they are final than to insert major changes now that might cause the entire process to begin anew for the total document.

Final regulations should have been published for this program more than ten years ago, and said regulations should have been updated each time the Congress made major changes in the program's provisions. Moreover, proposed rulemaking should have been preceded by the preparation of an action memorandum to the Commissioner so that he could have provided clear policy direction based on his review of the major options. It has been implied in several studies that the Division of Education for the Disadvantaged (DED) has deliberately submerged the Migrant Education Program to prevent appropriate Federal leadership in the education of migratory children. It is possible that this is the reason that important policy issues have not reached the Commissioner; it is just as likely that this has occurred due to inattention, ignorance, and/or mismanagement.

In this report, fifteen critical policy and management issues are presented. The extent to which the final regulations to be published in September will need to be amended will depend upon your decisions on Issues #1, #2, #6, #9, #10, #11, #12, #13, and #14. Resolution of the remaining six issues may be accomplished without extensive rulemaking, if any.

You should also know that the issues addressed are designed to define the way OE will administer this unique program including the conditions under which you will utilize certain provisions of the Act. For example, the Congress gave you authority to invoke sanctions in the event of non-compliance. (Issue #14) The conditions under which and the process by which sanctions would be invoked have not been defined by regulation. Program officials in DED believe that this is something "you just don't do to States." Input received from State officials and advocacy groups during this program audit contradicts this belief. The States want sanctions invoked when clear violations of law are discovered to avoid audit exceptions later. They, of course, want this to be done under a carefully defined procedure in which they have an opportunity to correct violations.

As another example, Congress recognized that no formula can perfectly assess need and therefore gave you reallocation authority. (Issue #9) The conditions under which you will use this authority have never been defined by regulation. Both the States and the advocacy groups favor Federal leadership in this area.

As a third example, Congress provided you with bypass authority. (Issue #6) Again DED officials have indicated that this is something "you just don't do to States," and this provision has therefore never been used or defined by regulation. While their options differ, both the States and advocacy groups believe this provision should be used under carefully defined conditions.

You should also know that there is nothing in the issues that follow that will necessarily increase paperwork for the States. Indeed, more adequate definition could produce the opposite effect. For example, at present, program officials believe they have almost unlimited authority to request additional information during the application review process. A systematic procedure would define this authority. As another example, the States must now send a copy of all subgrants made to LEAs to DED. It is inconceivable that this mountain of paper is ever analyzed in any systematic way if indeed it is ever read. The procedure exists as a prudential measure in the absence of adequate provisions for sanctions. It is neither adequate nor prudential. It is planned to end this practice in the final regulations.

LEADERSHIP AND PROGRAM DEVELOPMENT

The lack of leadership displayed in the development of regulations is equally evident in promoting interstate and interagency coordination. As the administrator of the largest Federal program designed to meet the needs of migratory children, OE has been urged by both the States and advocacy groups to assume a lead role in increasing interagency coordination at the Federal level to maximize service to migratory children and their families. A major focus of the Act itself is to foster interstate cooperation in the education of migratory children. (See Issue #11.)

At present, the staff of the Migrant Branch is able to provide only limited leadership in the foregoing areas and has virtually no internal capacity to generate policy issues due to an extremely small staff that included only seven professional staff members and one secretary at the time of this audit. However, they do what they can and are anxious to do more.

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Fortunately, the lack of Federal leadership has been in part compensated for by the efforts of the States themselves. Those directly responsible for operating migrant education programs at the State level have organized themselves into the National Association of State Directors of Migrant Education. In addition, the States of Arizona, Arkansas, California, Florida, Michigan, New York, Texas, and Washington formed an Interstate Migrant Education Task Force in 1977 through the Education Commission of the States. This task force includes an appropriate mix of State and Federal elected officials, chief State school officers, State board of education members, representatives of various Federal programs serving migratory children, other State and local officials, and community representatives.

In May 1971, a committee of State Migrant Directors (Committee for National Evaluation of Migrant Education Programs) adopted eleven national goals related to instructional support services. In addition, the State Directors have organized other committees to deal with such matters as the Migrant Student Record Transfer System; the development, pilot-testing, and implementation of a set of standard reading and mathematics skills; credit exchanges among States for secondary level students; oral language development; and preschool education.

The Migrant Student Record Transfer System, operated under contract by the Arkansas State Department of Education, is headed by an Administrator who has both data processing and programmatic expertise. He works closely with the State Migrant Directors and is a member of the Interstate Migrant Education Task Force (ECS.) In response to the expressed request of classroom teachers that information on reading and mathematics skills, rather than just standardized test scores, be provided on migratory children, the MSRTS will begin transmitting such data during the coming school year. Moreover, standard skills in oral language and early childhood development are currently being prepared.

The Interstate Migrant Education Task Force released its first report in June 1977 and is hard at work on its second. The major thrust of its efforts is to determine the most appropriate ways in which the Federal and State governments should mandate or encourage interstate and interagency coordination. The ECS task force is now headed by Congressman William Ford (D-Michigan), who has taken a major leadership role in meeting the needs of migratory children and their families.

Due to its placement in the bureaucracy, the perception of some OE officials, and severe staff constraints, the leadership role of the Migrant Branch has been severely limited. The Migrant Branch Chief both suggests and supports activities of the State Directors and the ECS task force. Both groups seek and want increased participation by OE migrant program personnel. In practice, however, the Migrant Branch is only able to serve in a supportive role due to limited staff and travel funds. Where action cannot be taken without specific OE approval, implementation is severely delayed (e.g., award of ECS contract) while various levels of the bureaucracy react to the unanticipated stimulus.

Nothing in the foregoing is intended to suggest that the States should cease their efforts to improve service to migratory children. The issue that is raised is the extent to which OE wants to join in this effort as the States and advocacy groups are requesting.

INTRODUCTION TO THE ISSUES

The critical issues that follow are all designed to define precisely how the Office of Education will administer the Title I Migrant Education Program to maximize its effectiveness in meeting the special needs of migratory children. In any Federal grant program, whether discretionary or formula grant, there are a number of steps that can be taken to increase program effectiveness.

The first and most important step is to develop a precise set of criteria to guide the States in the development of their applications. Second, the government may provide States pre-application technical assistance to be certain that the criteria are clearly understood by all applicants. Third, it may critically examine the applications that are received through a thorough application by skilled readers of the rating criteria and thorough detailed budget analysis. Fourth, it may require revision of applications that fail to meet minimum quality standards and may finally reject applications that give little promise of meeting the purposes of the Act. Fifth, it may conduct pre-grant site reviews. Sixth, it may continue to provide technical assistance after funding is awarded including the dissemination of information on exemplary projects. Seventh, it may monitor projects through field reviews to be certain that the grant terms and conditions are being met and may invoke sanctions, including grant termination, when severe violations are found.

In a formula grant program such as the Migrant Education Program, the purpose of taking such steps is not to deny funding to an applicant, although this may occur. Instead, the purpose is to provide guidance to applicants to assure that limited resources will be stretched to the limit to produce the highest possible level of quality.

Issues #1 through #9 are funding issues. They should be considered in conjunction with the material in Attachments C and D. Attachment C includes a description of the existing system for processing grants, and Attachment D contains a scenario for improvement. The material at Attachment D is for display only. During the implementation phase of this program audit, a final document will be prepared based on your decisions.

Issue #1 is, however, more than a funding issue. As a part of this program audit, information was sought to determine how the educational needs of migratory children could best be met. In addition to reviewing the several studies summarized at Appendix B, extensive discussions were held with State Migrant Directors and others on this question. In brief, no model programs were found on which sufficient research has been conducted to justify either mandating or strongly advocating their use. On the other hand, the studies and those working closely with migratory children suggest that the following approaches are worthy of encouragement:

--- Involvement of parents in the education of their children.

--- Individualized skill assessment and instruction in the areas of oral language development, reading, and mathematics.

--- Interstate coordination and cooperation in the provision of educational services, the transmittal of data, and the exchange of school credits.

--- Effective interagency coordination to meet both the child's and his family's needs.

--- Selection of agencies and individuals that are both equipped and committed to meeting the educational needs of migratory children.

The lack of firm models on which to base program direction is not surprising. In a major review of research completed to date on Federal programs, the Office for Policy Studies found a striking convergence of findings that research has not discovered any one educational practice or set of practices consistently superior to others over time in a wide variety of settings. (See A Research Perspective on Educational Improvement, October, 1977.)

The foregoing review did support, however, the importance of providing assistance to families that will help parents participate more effectively in the education of their own children and the importance of providing funds only when the people who are going to implement the program want it, design it, and think it will help them address a problem they believe to be important.

The criteria listed as an attachment to Issue #1 are designed to encourage a systematic assessment of needs by the States and the development of objectives and activities to meet these needs in a cost effective manner. In addition, concentration of services, individualized instruction, parental involvement, staff training, interstate cooperation, interagency coordination, and effective monitoring procedures are emphasized.

While the criteria have been carefully addressed during this stage of the audit, they should not be considered final. If you select Option C in Issue #1, it is recommended that the Migrant Branch Chief work with a small committee of the National Association of State Directors of Migrant Education to refine each section so that communication with the States will be enhanced. The final list of criteria should be presented to you for approval.

Issues #10-#13 deal with program priorities in greater depth in the areas of parental involvement, interstate coordination, the use of the proper mix of subgrantees, and preschool education. Issue #14 deals with monitoring and sanctions, a major Congressional concern.

The final issue deals with the organizational placement of the Migrant Education Program. It has been placed last since its resolution depends, in part, upon your complete understanding of the essential differences between the Federally administered Migrant Education Program and the State administered basic Title I program of assistance to LEAs to serve disadvantaged children.

It has been necessary to include extensive citations from the Act itself in the discussion sections of many of the issues due to the widespread misunderstanding that surrounds this program. Throughout this program audit the independent consultant has been advised by divisional officials who should know better that the provisions of the Act for the Migrant Education Program are essentially the same as those for the basic Title I program of assistance to LEAs. In the past, this conventional wisdom has evidently been accepted; in this paper the plain language of the Act has been included to be certain that you have the facts before you as you make your decisions.

Each of the fifteen issues includes multiple alternatives. For many of the issues it is possible to select a combination of alternatives. For such issues, the phrase "Check one or more" may be found preceding the list of alternatives.

Following the issues, several key problems concerning internal management are discussed and recommendations made for their resolution.

ISSUE #1

Should criteria for the awarding of Title I Migrant Education Program grants be precisely defined and weighted? If so, what is the relative importance of each criterion to be assessed?

Discussion

At issue here is the basis upon which the Commissioner will approve a grant application for assistance under the Title I Migrant Education Program. Options A, C, and D provide for intensive review of the quality of the application in addition to being certain that the application is complete and that the assurances the SEA must provide to OE regarding the conduct of its program have been signed. Option B suggests that OE administer the program in the same way as the basic Title I program is administered and that a State receive funding upon submission of the signed assurances.

Selection of Option B requires a determination that the Congress intended that all Title I programs be administered in the same way. If such a determination was made, it would than be desirable to determine if OE is administering the basic Title I program in the way Congress intended. However, this issue goes well beyond the scope of this program audit.

The present Title I Act is poorly organized, and it is in places somewhat difficult to determine if certain general requirements relate to all programs or only to those operated by LEAs. Both H.R. 15 and S. 1753 recognize this problem, and the respective Committees have completely reorganized the existing Act "to incorporate all the requirements pertaining to the LEA program, and this program only," into Part A. Both H.R. 15 and S. 1753 clearly identify the basic Title I program in Part A as a program operated by local educational agencies. The Migrant Education Program, however, is clearly identified in Part B of both bills as a program operated by State educational agencies. Both bills list requirements for the approval of applications for Migrant Education Program funds and reference criteria in Part A with which State operated programs should be consistent.

The statutory language governing the application for and approval of funds for the Migrant Program in both H.R. 15 and S. 1753 is similar to the language in the existing Act. Section 122(a)(1) of the current Act states in part: "A State educational agency or a combination of such agencies, upon application, shall be entitled to receive a grant for any fiscal year ..."

Section 122(a)(1) further states in part:

> The Commissioner may approve such an application only upon his determination:
> (A) That payments will be used for programs and projects ... which are designed to meet the special educational needs of migratory children ... and to coordinate these programs and projects with similar programs and projects in other States ...
> (C) That such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1)(B) and (3) through (12) of section 141(a): (N.B. - the clauses include criteria for the rating of local applications by SEAs under the basic Title I program that may be adapted for use by OE to rate applications under the Migrant Education Program.)

Section 122(a)(2) provides a mechanism to by-pass the State to other nonprofit agencies that may be invoked when "it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children ..."

Taken together, these sections and the reorganization of the Act in H.R. 15 and S. 1753 raise serious doubt concerning the viability of Option B in meeting the intent of Congress. On the other hand, selection of this option would simplify application and review procedures for the States and would still permit technical assistance and monitoring by OE as a means of encouraging program quality.

Options A, C, and D differ in the extent to which criteria are precisely defined. All involve use of the criteria attached to the discussion of this issue. However, under the present system for processing grants (Option A), the criteria are general, unwritten, and to a large extent dependent on the interpretation of the individual Education Program Specialist who reviews the application. (See pp. 1-6 of Attachment C for a description of the existing system.)

Option C requires not only precision but quantification and weighting while Option D requires only precise definition. Both suggest a higher level of national leadership by OE, and both provide clearer guidance to the

States and Federal officials. Option C becomes particularly important in conjunction with Issues #2, #6, and #8 of this paper.

All criteria in the attachment to this issue are in accord with the current Act as well as H.R. 15 and S. 1753. An excellent description of the needs assessment requirement suggested in the criteria may be found on pp. 12-13 of the Committee Report on S. 1753. Under the system of quantified criteria suggested, very few points may be obtained without a thorough needs assessment.

In addition to needs assessment and the appropriateness of activities to meet identified needs, high weights have been given for parental involvement, interstate and intrastate coordination, and monitoring. All of these are major concerns of both the Congress and advocacy groups.

Alternatives

___ Option A. Use the existing system of reviewing applications according to general and unweighted criteria.

Pro

-- Gives SEAs maximum flexibility in developing applications and in defining program goals, objectives, and priorities.

-- Permits considerable discretion in making grant award decisions.

Con

-- Fails to clearly establish national goals and priorities.

-- Fails to encourage the development of quality applications.

-- Makes it difficult, if not impossible, to deny funding based on initial application submittals from SEAs.

___ Option B. Require States to simply submit signed assurances to receive funding.

Pro

-- Is consistent with operation of the basic Title I program.

-- Simplifies application procedures for the States and eliminates review by OE officials.

-- Requires a small staff to administer.

Con

-- Does not meet the intent of Congress.

-- Fails to recognize the distinction between a grant program to be operated by the State and a program to be operated by LEAs.

-- Fails to encourage in-depth needs assessment and analysis in program development at the State level.

___ Option C. Use a set of precisely defined criteria that are weighted and quantified to review applications.

Pro

-- Provides national leadership in establishing goals and priorities.

-- Improves the quality of funded programs.

-- Provides a consistent and defensible basis for requiring States to revise low quality applications prior to funding, and to invoke the by-pass mechanism, if necessary.

Con

-- Reduces the flexibility at the SEA level in preparing applications and defining goals and priorities.

-- Requires additional Federal staff or panels of non-Federal readers to implement.

___ Option D. Use a set of precisely defined criteria but do not quantify.

Pro

-- Provides national leadership in setting goals and priorities.

-- Improves the quality of applications.

Con

-- Same as Option C plus

-- Provides an inadequate basis for requiring States to revise low quality applications since level of quality is not defined.

LIST OF WEIGHTED CRITERIA FOR APPLICATION REVIEW

Criterion	Weight
1. Depth of needs assessment (The extent to which the applicant has assessed the needs of the specific population to be served by category of migratory child, age level, and location within the State including language development, reading proficiency, and career awareness, and the degree to which the existence of such needs is demonstrated by objective data. The extent to which the applicant has made a thorough assessment of agencies at the local level to determine what mix of agencies in the various areas of the State will best meet the needs of migratory children.)	6
2. Objectives	
a. The degree to which the applicant sets out specific measurable objectives for its program or project in relation to the needs identified.	2
b. The degree to which the program or project promises realistically to address the needs identified in the application.	2
3. Activities	
a. The extent to which the proposed services are clearly designed and capable of meeting the identified needs.	6
b. The extent to which such services are sufficiently intensive to give promise of measurable growth for each participant.	4
c. The extent to which the proposed program or project emphasizes individualized instruction and services.	2
d. The extent to which parents of migratory children will be involved beyond the level of involvement required by regulation.	4
e. The extent to which the application provides for continuing training of staff	

Criterion	Weight
to increase program effectiveness.	2
f. The extent to which the proposed program or project provides for interstate and intrastate coordination so that continuity in the education of migratory children will be enhanced including provision for the dissemination of research results and successful program material to program or project personnel.	4
4. Resource Management	
a. The extent to which cost effectiveness measures will be used in awarding subgrants and/or in general program operation.	3
b. The extent to which close working relationships are to be developed with other agencies including the provision of funds and services to enhance meeting the needs of migratory children.	3
c. The extent to which effective procedures have been developed and will be utilized for monitoring the projects and activities of LEAs and other non-profit agencies to assure compliance with program regulations and to assure that the needs of migratory children are being met.	5
d. The extent to which the application contains evidence that all possible efforts will be made to minimize the amount of funds spent on the purchase of equipment and construction necessary for the implementation of the proposed program.	2
5. Evaluation	
The extent to which the application sets out a format for objective, quantifiable measurement of the success of the proposed program in achieving the stated objectives, including a timetable for compilation of data for evaluation and a method of reviewing the program in the light of such data.	6

ISSUE #2 (Consider this issue only if Option C is selected in Issue #1)

Shall firm standards be set to determine the minimum level of quality that must be presented in an application for it to be funded?

Discussion

As outlined in Issue #1, there are a number of sections of the current Act and the proposed bills for reauthorization that clearly indicate the intent of Congress that program funds should not be awarded unless the applicant demonstrates that the quality of the proposed program gives reasonable promise of making substantial progress toward meeting the needs of migratory children. The use of precise, quantified criteria would seem by its very nature to require the establishment of a minimum score that would represent the point at which substantial progress could be expected. At the same time, setting such a score reduces the Commissioner's discretion to fund a weak application so that at least some services will be provided by every State that applies.

In considering the issue, it is important to understand how it could be administered. If a State failed to meet the minimum score, it would be provided with the detailed comments of the rating panel and encouraged to revise within 30 days only those portions of its application that are weak. Technical assistance would be made available upon request. Upon receiving the revisions, the same panel, to the extent possible, would rate again only those portions of the application that were rated as weak. If the application still failed to meet the minimum score, the State would be given an additional 30 days for further revision. If the application again failed to meet minimum standards, two alternatives are available for effective administration. Under one alternative, massive technical assistance would be made available to the State, and the State would be given every opportunity to improve the quality of its proposed program. Only when it became abundantly clear that the State was unwilling to meet minimum standards would the by-pass mechanism be invoked. This is Option C under Issue #6. Under the second alternative, the by-pass mechanism would be invoked without further technical assistance on the basis that three opportunities to meet standards are enough. This is Option D under Issue #6.

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The purpose of firm standards is not to reach the point of by-pass but to improve the quality of State operated programs. Both of the foregoing alternatives for administration go beyond the opportunities for revision that would usually be made available in a discretionary grant program. Additional discussion on the alternatives for administration may be found in Issue #6.

Option B suggests a score that would assure that needs had been adequately addressed and that the proposed program was designed to meet the identified needs. Under the rating criteria proposed, it would be impossible for an applicant to reach a score of 34 without these two conditions being met. The score of 34 was determined by assuming that the needs assessment was weak and only received two points. Since most of the other criteria flow from the needs assessment, these were then examined to see how many points could be picked up with a needs assessment that only scored two points. A total of 33 was reached. Thus, a score of 34 is a safe score to be certain problem solving has taken place; setting it a little higher, e.g. 38, may be prudential. However, an applicant could still reach this score, as an example, if its application was weak in providing for an adequate evaluation. Selecting this option means that technical assistance would be used to improve weaknesses in the total application rather than by holding back or denying funding. Clearly, however, the program would provide migratory children with services that make substantial progress in meeting their needs.

Setting the higher standard suggested in Option C would assure a much higher standard of quality. However, an application would need to be nearly perfect to be funded and could result in many States not being funded. This may be beyond the intent of Congress.

Under Option D, a minimum standard would be set for each of the major categories: Needs Assessment, Objectives, Activities, Resource Management, and Evaluation. The total of these scores would be 34 as in Option B. Selecting this option gives greater assurance that all areas of the application would have some quality. On the other hand, it fails to recognize that children's needs may be better met when an exceptional needs assessment, for example, is done even if the applicant fails to do a quality job in evaluation.

Alternatives

___ Option A. Do not establish firm standards.

Pro

- -- Gives discretion to the Commissioner to fund weak applications so that at least some service will be provided by every State that may apply.
- -- May be favored by most States.

Con

- -- Negates the advantage of using precise criteria.
- -- Ignores the intent of Congress that funded programs shall make substantial progress in meeting the needs of migratory children.
- -- Is not cost effective.
- -- Will not satisfy the demands of advocacy groups for quality programs for children.

___ Option B. Establish a firm standard of 34 out of 51 possible points.

Pro

- -- Assures that only applications that will make substantial progress in meeting the needs of migratory children will be funded.
- -- Assures adequate needs assessment and appropriate educational activities.
- -- Provides ample opportunity for States to meet minimum standards.
- -- Meets the intent of Congress.
- -- Will be supported by advocacy groups, but they may want a higher standard.

Con

- -- Reduces discretion of Commissioner.

-- May necessitate use of the by-pass mechanism in some States.

___ Option C. Establish a firm standard of 46 out of 51 possible points.

Pro

-- Is extremely cost effective.

-- Assures across the board excellence in funded applications.

Con

-- May go beyond the intent of Congress.

-- May result in large numbers of children going unserved if neither the States nor other agencies can meet such high standards.

-- Will be opposed strongly by most States.

___ Option D. Establish a firm standard for each category of the rating criteria with the total of the minimum subscores being 34. Meeting the minimum standard in each category would be required for funding. The standards would be Needs Assessment - 4 points; Objectives - 3 points; Activities - 14 points; Resource Management - 9 points; and Evaluation - 4 points.

Pro

-- Assures quality in each of the major areas of the application.

-- Meets the intent of Congress.

-- Provides ample opportunity for States to meet minimum standards.

-- Will be supported by advocacy groups.

Con

-- May underestimate the importance of needs assessment and the educational activities in determining quality.

-- Reduces flexibility of the States.

-- Views the educational program as the sum of its parts rather than examining the whole.

-- Will be difficult to administer and may lead to excessive revision by the States.

ISSUE #3

Who should rate the educational quality of applications submitted by the States?

Discussion

Upon receipt of an application, the Senior Program Specialist responsible for the particular State first reviews the application in detail to be certain that all parts of the application required by law or regulation are present. In addition, the Senior Program Specialist reviews the budget to determine if costs are reasonable and expenditures allowable. It is assumed that the Senior Program Specialist will continue to perform both of these functions.

At issue here is what person or panel of persons should apply the rating criteria set out in the attachment to Issue #1. At present, the Senior Program Specialist makes this review using unweighted criteria that are similar to but more general than those listed in Issue #1. The problem with this procedure is that no matter how thorough the Program Specialist may be, it is still his/her subjective judgment as opposed to that of the Chief State School Officer who submitted the proposal. While utilizing precise, weighted, and quantified criteria improves the situation, this basic problem remains.

Option B suggests that a panel of three Program Specialists rate the application. If precise, quantified criteria are used, this procedure provides a defensible basis for requiring revisions prior to funding or for denying funding. Even if criteria are not precise, the judgment of three expert Federal officials provides greater protection than relying on the judgment of a single individual. The problem with this option is the limited number of specialists available to rate applications, thus creating an extremely long review period.

Option C suggests that non-Federal raters be used. While having many of the advantages of Option B, it has the additional advantage of increasing the pool of talent available to review applications during the relatively brief period of the year when this process takes place. The scenario in Attachment D envisions six panels completing all initial reviews in five days.

Alternatives

___ Option A. Continue application review by a single Senior Program Specialist.

Pro

-- Assures that the individual most familiar with the State's program will do the review.

-- Requires a smaller staff to complete reviews.

Con

-- Places too much reliance on the subjective judgment of a single individual.

-- Places the individual who provides technical assistance to the applicant in the position of judging the effectiveness of that assistance.

-- Provides inadequate protection to the government in defending its position when confronted by State officials and their elected representatives.

___ Option B. Use a panel of three Federal Program Specialists to rate applications.

Pro

-- Utilizes reviewers with comprehensive knowledge of program requirements.

-- Provides adequate protection for the government in presenting its position to State officials and their elected representatives.

-- Recognizes the need for more than a single reviewer to make judgments in a subjective area.

Con

-- May require a lengthy period to complete all reviews due to the limited number of specialists available.

-- May require a larger permanent staff that could lead to overstaffing the program during other times of the year. This could be alleviated by drawing staff from other offices.

____ Option C. Use a panel of three non-Federal reviewers with expertise in the education and/or needs of migratory children to rate applications.

Pro

-- Same as pros (2) and (3) in Option B plus

-- Increases the pool of talent available during the review process in a cost effective manner.

-- Makes it possible to involve individuals such as teachers and community persons who deal daily with migratory children.

-- Makes it possible for OE to be more responsive in completing its review of applications.

Con

-- Requires staff time to select and train panel members.

-- Requires the payment of non-Federal officials when there may be program officers in other programs with little to do.

____ Option D. Use a panel of two non-Federal readers plus the Senior Program Specialist responsible for the State to review applications.

Pro

-- Same as Option C plus

-- Assures that the person most familiar with the State's program is a member of the panel.

Con

-- Same as Option C plus

-- Places the individual who provides technical assistance to the applicant in the position of judging the effectiveness of that assistance.

-- Raises the possibility that non-Federal readers will rely on the judgment of the Senior Program Specialist.

ISSUE #4

Under what conditions, if any, shall pre-grant site reviews be made?

Discussion

At issue here is the requirement of pre-grant site reviews under certain conditions. In effect, the pre-grant site review recognizes that there may be times when it is desirable to go beyond the information contained in the narrative portion of an application in determining the competence of the applicant to make effective use of its entitlement. It also recognizes that it is much easier to deny funding than it is to recover misspent funds under a grant program. At the same time, it is a costly and time-consuming provision that should be used only under carefully defined conditions.

As envisioned, the pre-grant site review would require a team of three program and fiscal officers to visit the applicant prior to grant award. Each member of the team would be assigned specific areas to review, and each would use a standard form to guide the review. In most cases, the team would be expected to complete its review within three days, but an additional three days would be permitted in cases where the team discovered severe problems. Upon their return to Washington, the team would immediately file their report and recommendations. This would be reviewed by the Deputy Commissioner who would determine whether additional assurances or steps should be required of the State prior to funding.

Option B would require that pre-grant site reviews be conducted in at least six States. These six States combined receive more than two-thirds of all funds available.

Option C would require that pre-grant site reviews be conducted in States that had been cited in the prior grant period for serious compliance problems. The purpose would be to ascertain if the State had indeed taken steps to prevent such problems or others from occurring in the future.

Option D would require reviews in States that had carried over more than 15% of their funds in each of the two preceding fiscal years for which data are available. The purpose would be to ascertain if the State needed its full entitlement or if some of the funds should be made available through reallocation to States with greater need. The test of 15% may seem high, but it recognizes that States do have carryover authority under the program.

Alternatives (Check one or more)

___ Option A. Do not utilize pre-grant site reviews.

Pro

-- Avoids a costly and time consuming procedure.

-- Avoids delaying the processing of some grants.

-- Avoids indicating a degree of mistrust concerning State operations that may not be justified.

Con

-- May be cost effective to conduct reviews under certain conditions.

-- Ignores the fact that some States have not complied with the terms and conditions of their grants in the past.

-- Fails to exercise a prudential step that is less time consuming and emotionally charged than rescinding a grant after the award has been made.

___ Option B. Conduct pre-grant site reviews in States entitled to grants of over $4 million.

Pro

-- Requires only six pre-grant site reviews but accounts for States entitled to more than two-thirds of available funds.

-- Represents a small investment to add an additional safeguard to protect the investment of more than $114 million.

Con

-- Indicates a lack of trust in State operations based solely on size of entitlement rather than past performance.

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___ Option C. Conduct pre-grant site reviews in States that have been cited for serious compliance problems in the past.

Pro

-- Targets prudential measure to areas in which it is most clearly needed.

-- Will probably involve only a few States.

-- Emphasizes the importance of conducting existing grants in accordance with agreed upon terms and conditions.

-- Is probably cost effective.

Con

-- Assumes that States with past errors in meeting grant conditions may not make good faith efforts to correct them.

___ Option D. Conduct pre-grant site reviews in States that have carried over more than 15% of their funds in each of the two preceding fiscal years for which data are available.

Pro

-- Makes it possible to reallocate funds to States with greater needs early enough for the most effective use to be made of such funds.

-- Avoids reallocation on the sole basis of statistical data without a detailed examination of conditions that may justify what appears to be excessive carryover.

-- Will involve only a few States.

-- Is probably cost effective.

Con

-- Could be more easily done through firm rule making on excessive carryover resulting in automatic reallocation.

-- Is an unnecessary step since the same determination could be made through careful monitoring of existing grants.

___ Option E. Select five States at random each year for pre-grant site reviews.

Pro

-- Keeps all States on their toes.

-- Is a prudential measure.

Con

-- Duplicates the effort made in post-award monitoring.

-- Appears equitable but actually may penalize States with good performance records.

ISSUE #5

Shall all States with migratory children be provided with allocations under the Migrant Education Program?

Discussion

Section 122(b) of the Act requires the Commissioner to make allocations to each State utilizing the formula provided in the Act. The Commissioner also has the power to reallocate such funds to other States when the allocation exceeds the amount needed in the State. The Commissioner is also authorized by Section 122(a)(2) to by-pass the State and fund other non-profit agencies to serve migratory children if the State is unable or unwilling to apply. In no place does the Act suggest that the Commissioner may simply refuse to allocate funds to a State.

For Fiscal Year 1979, no allocations were made for the States of Alaska, American Samoa, Guam, Hawaii, New Hampshire, Rhode Island, the Trust Territory of the Pacific, and the Virgin Islands even though officials in the Migrant Branch have information that indicates there are migratory children in need of service in most and probably all of these States. Several of these States once had allocations, but the decision to deny allocations to these States was made several years ago by the Division due to their unwillingness to make effective use of the funds. No attempt was made to invoke the by-pass mechanism to seek other agencies to serve the children despite the presence of this provision in the Act. Some States never had allocations since the Department of Labor did not have data on these States.

The Act authorizes the Commissioner to use the Migrant Student Record Transfer System or such other system as he may determine most accurately and fully reflects the actual number of migratory children. Option B suggests that all States be provided with at least a small allocation based on a system that combines use of the MSRTS for States participating in it and the Commissioner's best estimate for the eight States not now receiving allocations. If the SEAs in one or more of those States refused to apply, then the by-pass mechanism would be invoked. If no agency in the State was willing and able to meet the needs of migratory children, the reallocation provision would be invoked.

Alternatives

____ Option A. Continue to deny allocations to the eight States.

Pro

-- Has not created problems in the past.

-- Does not take additional funds from the partially funded basic Title I program.

Con

-- May be a direct violation of both the intent and letter of the Act.

-- Denies any opportunity for services to an undefined number of migratory children.

____ Option B. Provide all States with migratory children with an allocation.

Pro

-- Meets the requirements of the Act.

-- Makes it possible for additional migratory children to be served.

-- Provides seed money that may result in the identification of many new children in need of help.

Con

-- Takes needed funds from the basic Title I program.

-- Requires considerable staff effort to develop sound estimates for the eight States without allocations.

ISSUE #6

Under what conditions, if any, should the by-pass mechanism of the Act be invoked?

Discussion

Section 122(a)(2) of the Act states: "If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section."

The key phrase in need of definition is "a State is unable or unwilling." It would seem that the term "unwilling" could be simply defined to mean that a State did not take the necessary steps to apply for funds including the provision of data to the Migrant Student Record Transfer System so that the appropriate entitlement of that State could be determined. At present, there are eight States that may fall under this category: Alaska, American Samoa, Guam, Hawaii, New Hampshire, Rhode Island, the Trust Territory of the Pacific, and the Virgin Islands. There are certainly migratory children in need of services in at least some if not all of these States. One way to reach the children would be to by-pass the States, and fund directly LEAs or other public and private nonprofit agencies, if Option B was selected in Issue #5. It is possible that additional States may not apply in the future so Option B does not depend entirely on the decision in Issue #5.

The term "unable" is more difficult to define but the plain language of the Congress in Section 122(a)(2) provides some guidance; namely, that the by-pass mechanism may be invoked when "it would result in more efficient and economic administration or that it would add substantially to the welfare or educational attainment of such children." Both of these situations are defined in the precise, quantified criteria that are set out as an attachment to Issue #1.

To date, the by-pass mechanism has never been used. Option A suggests this continue. Option B, at present, only affects the eight States identified earlier, but could affect other States in the future. It is assumed here that OE will strongly encourage reluctant States to apply since all groups agree that the States are in the best position to operate the migrant program.

Both Options C and D are directly related to Issues #1 and #2, and some discussion of these options has already been presented in Issue #2. As pointed out there, the purpose of standards is not to reach the point of by-pass but to improve the quality of State operated programs. Both Options C and D go beyond the opportunities for revision that would usually be made available in a discretionary grant program. Since all input received to date from external groups indicates that this program should be operated by the States, it may be advisable to select Option C and to use the by-pass mechanism as only a last resort. Both the States and advocacy groups agree that a State should not be funded if it is simply unwilling to submit a program that will make substantial progress in meeting the needs of migratory children.

Option E would involve only a partial by-pass when some LEAs in a State are identified as being unwilling or unable to serve as subgrantees and the State is unwilling to utilize the services of another agency. Advocacy groups claim that large numbers of children are going unserved or are inadequately served in some States due to this situation. Clearly, it is preferable for the State to by-pass the LEA than for OE to do so, and this would be encouraged before taking this step. (See Issue #12.)

Alternatives (Check one or more)

___ Option A. Continue to ignore the by-pass mechanism.

Pro

-- Has not been a major problem.

-- Reduces risk of creating negative feelings in some States.

Con

-- Fails to provide for the needs of migratory children located in States that are unwilling to apply.

-- May lead to the funding of States that are unable to administer effective programs.

-- Ignores the clear intent of Congress that all migratory children be served.

___ Option B. Invoke the by-pass mechanism when a State fails to apply.

Pro

-- Helps assure that all migratory children will be served.

-- Invokes the by-pass only when the State clearly fails to meet its responsibility.

-- Meets the intent of Congress.

Con

-- May anger one or two States.

-- May increase the total allocation for the Migrant Education Program.

___ Option C. Invoke the by-pass mechanism when a State has failed to submit a quality application, has failed to meet the minimum standard for quality after being given two opportunities to revise its application, and still fails to submit an approvable application after massive technical assistance and encouragement have been provided following the third rejection. In brief, invoke the mechanism only as a last resort when it becomes clear that the State is just not willing to submit an approvable application.

Pro

-- Is essential to assure that no application will be funded unless it will make substantial progress in meeting the educational needs of migratory children.

-- Demonstrates strong Federal leadership in encouraging States to develop effective programs.

-- Is cost effective.

-- Will be supported by both the States and advocacy groups.

-- Meets the intent of Congress.

Con

-- May anger States that are willing to provide services to migratory children but are either unwilling or unable to provide effective services.

-- Makes administration of the program more difficult for program officials at the Federal level.

____ Option D. Invoke the by-pass mechanism when a State has failed to submit a quality application and has failed to meet the minimum standard for quality after being given two opportunities to revise its application.

Pro

-- Demonstrates Federal leadership in encouraging States to develop effective programs.

-- Is cost effective.

-- Is favored by advocacy groups.

-- May meet the intent of Congress.

Con

-- May anger States that are willing to provide services to migratory children but are either unwilling or unable to provide effective services.

-- Makes administration of the program more difficult for program officials at the Federal level, but not as difficult as Option C.

____ Option E. Make a partial by-pass when a State has not made adequate provisions to serve significant numbers of children in one or more parts of a State.

Pro

-- Helps assure that services to migratory children will not be denied due to the unwillingness or inability of some LEAs to provide service.

-- Helps assure that services to migratory children will not be denied or be ineffective due to the reluctance of a SEA to work with non-profit groups other than LEAs.

-- Helps improve overall program quality by encouraging States to work with a mix of agencies.

Con

-- Same as Option C.

ISSUE #7

Should firm application receipt and response dates be set by publishing a notice in the Federal Register?

Discussion

Since 1976, the Congress has provided funds well in advance of the beginning of the Fiscal Year for the Migrant Education Program to make it possible for State educational agencies (SEAs) to apply for and receive grants on a timely basis to operate educational programs for migratory children. Early notification of application approval makes it possible for the SEA to complete planning for program implementation with the knowledge that funds will be available at the beginning of the grant period. The purpose of advance funding is defeated if either the SEAs are unresponsive in submitting grant applications well in advance of need, or OE is unresponsive in reviewing submitted applications with dispatch. (N.B. - Under advance funding, the State may be informed that its application has been approved, for example, on May 15. However, the actual obligation of funds by the OE Finance Office through execution of the grant award document may not take place prior to July 1.)

OE has frequently been criticized for delays or lateness in approving SEA applications. Both the absence of firm receipt dates for applications and the lack of deadlines by which OE must respond may account for this. States are not held accountable for submitting their applications in a timely manner, and there are no standards to guide program staff on what constitutes responsiveness in the review of applications.

The first application for Fiscal Year 1978 funds was received in May 1977, less than two months before the date on which program funds could be obligated to serve children. Most applications were received from June through September, but several were received after the beginning of Fiscal Year 1978.

The time frame within which a State may expect to receive final approval or other appropriate response from OE is not stated. The range for Fiscal Year 1978 was 18 days to 115 days, and the average number of days for processing an application was 53.

Section 116d.3(b) of the Interim Final Regulations states:

"The Commissioner may decline to consider an application under this part if it is received after the date established by the Commissioner for receipt of applications."

At issue here is whether or not the Commissioner should set firm dates by which applications must be received and processed. This issue needs to be considered in conjunction with Issue #8 and the scenario contained in Attachment D.

Under Option A, the Commissioner would require States to submit their applications no later than April 1, 1979, in order to receive a grant for Fiscal Year 1980. The Commissioner would require program staff to respond to the States no later than May 10, 1979. The Notice to be published would both provide flexibility and retain the Commissioner's discretion. First, a State would not be required to meet the April 1 deadline if it notified the Commissioner of its inability to do so by February 15 and provided the Commissioner with an alternative date on which its application would be submitted. Second, the Commissioner would retain discretion to fund a State even if it did not meet the deadline. The Commissioner could not, however, guarantee a firm response date to States applying after the deadline.

The intent of a firm deadline is to assure timely funding, not to deny funding. Clearance procedures in some States are lengthy, and those States may need more time. The type of flexibility suggested above would usually not be present in a competitive grant program since granting additional time would give an unfair advantage to some applicants; this problem does not arise in an entitlement program. Further, input received from States indicates that most would not need or seek a variance from the established deadline.

States submitting applications in need of revision would be so notified no later than May 10 and would have until June 10, 1979, to revise those portions of their applications that were weak. OE would be required to complete processing of the revised applications by July 1, 1979. If a State still needed to make revisions to meet minimum quality standards, the State would be given until August 1, 1979, to do so.

Hopefully, all States would have submitted quality applications at this point, but if a State had failed to do so, there would still be time both to provide technical assistance and strong encouragement to the State to help it get its application into approvable form and to invoke the by-pass mechanism, if necessary, prior to the beginning of Fiscal Year 1980.

Option B would continue the existing system.

Alternatives

___ Option A. Establish firm application receipt and response dates well in advance of the Fiscal Year with provisions for flexibility and discretion.

Pro

-- Helps assure that quality applications will be funded on a timely basis.

-- Provides time for States to revise weak portions of their applications prior to obligation of funds.

-- Makes it possible to arrange the work plan of Migrant Branch staff in an efficient manner.

-- Holds both the States and OE accountable for avoiding delays in serving migratory children.

-- Provides time to reallocate unneeded funds and to invoke the by-pass mechanism, if necessary, prior to the beginning of the Fiscal Year.

Con

-- Reduces to some extent flexibility for both the States and OE.

-- Requires thorough planning by program staff to provide adequate lead time for States.

-- Requires maximum effort by Federal staff to complete application review on an established rather than an open-ended schedule.

___ Option B. Continue current practice and allow States to submit applications anytime during the Fiscal Year.

Pro

-- Reduces pressure on OE staff to process applications since the blame for funding delays may be shifted to the States.

Con

-- Makes it impossible to schedule the work of Migrant Branch staff on an efficient basis.

-- Provides no mechanism to hold either the States or OE staff accountable in preventing funding delays.

-- Does not provide an orderly process for improving the quality of weak applications.

-- Makes it difficult to utilize either the by-pass mechanism or the reallocation procedure, if necessary, in a timely way.

ISSUE #8

Should the grant processing cycle for the Migrant Education Program begin earlier than at present?

Discussion

Allocations for all Title I programs for Fiscal Year 1979 were made by NCES during January 1978. The Program Directive for the Migrant Education Program announcing State allocations and soliciting applications was signed by the Division Director on March 28, 1978. Thus, the grant processing cycle began only six months prior to the beginning of FY 79 and only three months prior to the time when FY 79 funds could be made available to the States.

This issue is directly related to a number of other issues in this paper and may be best understood by reviewing the present and proposed systems for processing grants at Attachment A.

It may be desirable to begin the grant processing cycle earlier than at present even if other aspects of the current system are retained. It is, however, essential to begin it earlier if changes in the existing system are made to provide for firm application receipt and response dates, a thorough review by rating panels, formal requests for revision of weak applications and subsequent review, and applications from other agencies in the event a State is unable or unwilling to meet its responsibilities.

Since the allocation for the Migrant Education Program comes off the top of the total Title I allocation and is advance funded, making this allocation at an earlier date than for other parts of Title I presents no problem. The State per pupil expenditure data required is for the third preceding year and the number of migratory children is taken from the Migrant Student Record Transfer System. At present, this is the full time equivalent children for the period January 1 to December 31. It could be cut just as easily at October 1 to September 30.

Thus, States could be notified of their allocations and applications solicited on October 15 rather than waiting until March 28 as was the case this year. Even if the allocations were tentative and required adjustment later, the process could go forward up to the point of grant award.

It should be made clear that nothing herein affects the date on which States may begin obligating funds. It simply assures that processing will be complete when that date comes.

There are, of course, many options for dates to begin the process, but only two need be considered here. If a different date between the two is desired, this may be simply substituted in making the decision.

Alternatives

___ Option A. Begin the grant processing cycle on October 15 of the preceding fiscal year.

Pro

-- Provides at least 8½ months for application development, submission, processing, and revision, if needed.

-- Makes it possible to make a more thorough and systematic review of applications without delaying funding.

Con

-- Requires greater effort on the part of Federal officials to respond to States in a more timely way.

___ Option B. Continue present system of beginning the grant processing system in late March.

Pro

-- Requires less effort by Federal officials.

Con

-- Results in funding delays to States when applications have severe deficiencies.

-- Does not permit time for a thorough and systematic review of applications.

-- Allows only three months between the beginning of the process and the time the actual grant period begins in some States.

ISSUE #9

Under what conditions should the reallocation provision of the Act be utilized?

Discussion

Section 122(b) of the Act provides a formula for determining the allocations for the various States. The Congress, however, recognized that use of a formula in a program serving highly mobile children is only an estimate of need and, therefore, authorized the Commissioner to reallocate funds from a State in which funds were in excess of the amount needed to serve migratory children to other States whose total of grants were insufficient to provide such service. This provision has not been defined by regulation, and very little reallocation of funds has occurred.

The situation is further complicated by Section 125 of the Act that guarantees a State will receive an allocation at least equal to its allocation for the previous year. On the basis of this provision, some States are receiving in excess of 200% of their funds over the amount they would receive on the basis of the actual count of children. Both H.R. 15 and S. 1753 recognize this problem and propose a reduction in the "hold harmless" provision to 85%. Table I attached to this issue shows the effect of the "hold harmless" provision for the 22 States that were under it for Fiscal Year 1978. (Library of Congress study completed on September 23, 1977, by K. Forbis Jordan.)

None of the foregoing is to suggest that all or even most of these States do not have need for the allocations provided. It does, however, suggest that there is a need for thorough review to make this determination.

In addition, the Act provides a carryover provision which makes it possible for States to make use of unexpended funds during the year following that for which they were appropriated. In some cases, States have carried over more than 50% of their allocations. As an example, the State of South Carolina carried over 37% of its allocation for 1975 and 40% of its allocation for 1976. On March 18, 1976, all States were requested to release any 1976 funds that were in excess of the amounts needed. South Carolina did not release any funds even though it later showed a balance of $251,431 that could have been reallocated.

Under Option A, OE would continue to utilize the reallocation procedure by requesting States to report excess funds or to request additional funds late in the Fiscal Year. The provision was first used in June, 1975. In that year, the Migrant Branch requested each State to report excess funds or to request additional funds if needed. Eight States returned funds for a total of $1,320,275. These funds were reallocated to ten of eleven States requesting a total of $1,917,914 based on the following order of priority:

1. For purposes of expansion of programs reflecting an increase of children to be served.
2. For purposes of preschool services to release older siblings for school attendance.
3. For purposes of increasing instructional and/or supportive services to the current population served.
4. Construction and/or mobile facilities to house #3 above.
5. Identification programs.
6. Studies and surveys for program content and development.

In FY 1977 $299,418 in migrant program funds were reallocated from one State to another.

Under Option B, funds would be reallocated through a thorough review of the application utilizing cost effectiveness measures based on the category of children to be served, the duration of such service, and the nature of the services to be provided. The measures would be adjusted to reflect differences in average per pupil expenditures among the various States. Both H.R. 15 and S. 1753 recognize that the existing formula does not adequately account for the relatively high costs of summer programs and require the Commissioner to adjust the formula to account for this. The development of cost effectiveness measures is essential to meet this requirement.

Under Option C, the amount of a State's allocation for the next fiscal year would be automatically reduced and reallocated to other States if the State had carried over more than 15% of its funds in the latest two consecutive fiscal years for which data are available. *The amount of the reduction would be half the average percentage carried over during the two year period*. The percentage has been set at a high level in recognition of the clear intent of Congress that carryover be permitted. Using a two year test recognizes that crop failures and other factors would result in high carryover one year and high demand for funds the next. Option D is the same as Option C except that reallocation would not be automatic.

Under Option E, funds would be reallocated when emergencies arise. For example, it is already recognized that States may have less need for funds when there are major crop failures. Conversely, States with unusually good harvests may have more need for funds. Under this option, OE would reallocate funds from States without immediate need during an emergency situation. "Without immediate need" would be defined as funds likely to be carried over to the next fiscal year.

Option F suggests that OE make a careful examination of need in all States midway through the fiscal year and reallocate funds from States that will not be able to make effective use of them during the fiscal year to States that can.

Alternatives (Check *one or more*)

____ *Option A*. Continue present practice of reallocating funds when a State voluntarily reports excess.

Pro

-- Will be favored by some States.

-- Is easy for program officials to administer.

-- Has not been a major problem to date.

Con

-- Will be opposed by States with smaller allocations than needed to effectively serve migratory children.

-- May not meet the intent of Congress that the

Commissioner should make this determination rather than the States.

-- Results in a minimal reallocation of funds.

-- Is not cost effective.

___ Option B. Establish cost effectiveness standards to guide the size of grant awards based on carefully developed measures of need.

Pro

-- Makes it possible to reallocate funds at an early date so that such funds may be used in an effective manner.

-- Places all funding on a cost effective basis.

-- Recognizes differences in the types of services needed by various categories of migratory children.

-- Is consistent with Congressional intent as expressed in H.R. 15 and S. 1753.

Con

-- Requires a major effort by OE to develop accurate and meaningful cost effectiveness measures.

-- Will be opposed by States that may be unable to demonstrate need on this basis for their total allocation.

-- May negate to some extent the intent of the "hold harmless" and carryover provisions.

___ Option C. Reallocate a percentage of the State's new allocation automatically when carryover funds have exceeded 15% for two consecutive years.

Pro

-- Provides incentive to States to use funds or lose them.

-- Makes it possible to reallocate funds at an early date so they may be effectively used.

-- Will be supported by most States.

-- Easy to administer since it provides an objective standard.

Con

-- Assumes that excessive carryover indicates an absence of need when it may only reflect inept management.

-- May encourage States to spend funds not needed simply to avoid losing future allocations.

-- Will be opposed by States with a history of excess carryover.

___ Option D. Same as Option C except provide authority to reallocate but retain discretion to decline to do so if investigation reveals substantial justification for an unusually high percentage of carryover.

Pro

-- Same as first three pros for Option C, plus

-- Makes it possible to use discretion in unusual fact situations.

Con

-- Same as last two cons of Option C, plus

-- Difficult to administer.

___ Option E. Reallocate funds when emergency situations arise.

Pro

-- Makes it possible to deal with unusual population shifts and other emergencies.

-- Is in line with the need for interstate cooperation.

-- Demonstrates clear National leadership in meeting the needs of migratory children.

-- Is cost effective.

Con

-- Negates to some extent the intent of the carryover provision.

-- Difficult to administer since States may not be willing to acknowledge that their needs are less than those existing in the emergency situation.

-- Difficult to define the term "emergency."

___ Option F. Assess needs midway through the fiscal year and reallocate based on that assessment.

Pro

-- Helps assure that funds obligated for a specific fiscal year will be most effectively used during that year.

-- May be cost effective.

Con

-- Negates in a major way the intent of the carryover provision.

-- Establishes in effect a new application process at mid-year.

-- Is extremely costly and difficult to administer.

TABLE I

STATES WITH ALLOCATION ON THE "HOLD HARMLESS" CLAUSE

State	DOL FY 72 Floor	High Year FY 75-Fy 77	FY 78 Allocation Base	Percent Hold Harmless
Alabama	$ 711,306		$ 551,234	29
Connecticut		$ 1,232,389 (77)	988,202	25
Delaware	315,216		279,971	13
Florida		16,912,200 (77)	14,770,538	14
Idaho		2,354,857 (77)	2,185,884	8
Indiana		1,004,406 (77)	948,605	6
Maryland	950,419		306,764	210
Michigan		4,668,979 (77)	4,363,230	7
Montana	872,462		266,972	227
Nebraska	289,431		265,436	9
New Jersey	2,279,346		1,144,908	99
New Mexico		2,427,294 (75)	1,734,299	40
North Dakota	762,709		360,311	112
Ohio	1,516,620		1,405,362	8
Pennsylvania		823,898 (77)	779,222	6
South Carolina	644,158		282,864	128
South Dakota	37,510		21,950	71
Tennessee	322,311		230,267	40
Utah	263,961		191,337	20
Virginia	778,917		375,169	108
West Virginia	209,317		114,305	83
Wyoming		280,928 (75)	234,943	20
TOTALS		$39,658,634	$31,801,773	25

Source: USOE Migrant Branch

ISSUE #10

How, if at all, shall parental involvement be encouraged beyond that now required by regulation?

Discussion

Section 116d.37 of the Interim Final Regulations requires the establishment of one or more advisory councils in the State "composed of parents of children to be served or who are being served and of other persons knowledgeable of the needs of migratory children" and provides that said council(s) will be consulted on the operation and evaluation of the present State program and local projects and the planning of future programs and projects. At present, there is no requirement that subgrantees establish such councils.

Both the advocacy groups and the Congress view parental involvement as essential to the development of sound programs and as a means for encouraging migratory children to remain in school. As a result, both H.R. 15 and S. 1753 require the Commissioner to approve a State application only upon a determination that "there has been and will be appropriate consultation with parent advisory councils" in planning and carrying out programs and projects at both the State and local educational agency levels. Moreover, the Commissioner is to establish regulations to govern this provision "consistent with" the requirements for such councils in the basic Title I program. The provisions in the two bills for the basic Title I program differ in language but are similar in result. The specific requirement with which the Commisioner's regulations for the Migrant Education Program is to be consistent in S. 1753 is:

> PARENTAL INVOLVEMENT
>
> Sec. 125. (a) ESTABLISHMENT OF ADVISORY COUNCILS.--A local educational agency may receive funds under this title only if it establishes (1) an advisory council for its entire school district composed of representatives elected by the project area and project school advisory councils, and (2) an advisory council for each project area or project school. Each project area or project school advisory council--
>
> (A) shall be composed of not less than ten members (three-fourths of whom shall be parents of the children to be served who are elected by

> parents in the school attendance area, and one-fourth of whom shall be elected by the parent members), and
> (B) shall elect officers of the council after it has been fully constituted, and
> (C) shall be composed of members who shall serve for terms of two years after which time they may be reelected, except that the members first elected after the date of enactment of the Education Amendments of 1978, one-half shall be elected for a term of one year only, and
> (D) shall meet a sufficient number of times to carry out their responsibilities under subsection (b) at locations chosen by the council.
> The first such meeting shall occur not later than the end of the second month of the school year.

The term "consistent with" recognizes that there will be at least one such council at the State level that would of necessity be developed on a somewhat different basis than that required in 125(a). Moreover, it provides discretion to the Commissioner to modify such requirements at the local level if this would be more in keeping with the needs of migratory children.

Aside from the reauthorization bills, the Commissioner already has authority under Section 427 of the General Provisions Act to promulgate regulations for parental involvement. Thus, this issue does not depend upon the specific language that will be contained in the reauthorization legislation for implementation and references it only to indicate the expressed concern of the Congress.

Under Option B, the Commissioner would require the States to require each LEA or other agency conducting a project at the local level to have at least one Parent Advisory Council but would leave to the States the manner in which this would be done.

Under Option C, the Commissioner would promulgate regulations detailing the requirements for Parent Advisory Councils at both the SEA and LEA levels in a manner similar to that in Section 125(a) of S. 1753.

Under Option D, the Commissioner would encourage States to provide for parental involvement in programs beyond that required by law or regulation by awarding points under the rating criteria presented as an attachment to Issue #1. For example, if Options B and D were selected, the establishment of Councils at both the SEA and LEA levels would be a threshold requirement for funding. States would be given flexibility to establish such councils in a manner that would best meet their needs but would be encouraged to involve parents in a significant way through the awarding of points under the rating criteria.

Under Option E, a State would be required to submit the unedited comments of the State Parent Advisory Council(s) with its application.

Alternatives (Check one or more)

___ Option A. Continue only to require at least one Parent Advisory Council at the State level.

Pro

-- Will be strongly supported by both SEAs and LEAs.

-- Keeps Federal regulations in this area at a minimal level.

Con

-- Does not meet the expressed concern of Congress.

-- Will be strongly opposed by advocacy groups.

-- Does not recognize the importance of parental involvement in the education of migratory children.

___ Option B. Require in addition at least one Parent Advisory Council for each LEA or other local agency participating in the State program.

Pro

-- May meet the expressed concern of Congress.

-- Continues to provide flexibility to the States on the details of parental involvement.

-- Assures some involvement of parents at the local level.

Con

-- Does not in and of itself assure meaningful involvement of migratory parents in the education of their children.

-- Places an additional burden on SEAs and LEAs operating the program.

-- May not go far enough to satisfy advocacy groups.

___ Option C. Same as Option B but detail the requirements for Parent Advisory Councils at both the SEA and LEA levels.

Pro

-- Clearly meets the expressed intent of Congress.

-- Provides greater assurances that some migratory parents will be involved in their children's education.

-- Will be supported by advocacy groups.

Con

-- May discourage participation in the program by both SEAs and LEAs.

-- Imposes a heavy burden on both SEAs and LEAs.

-- Requires excessive monitoring by OE to assure compliance.

___ Option D. Encourage involvement by migratory parents in the education of their children by giving points under the rating criteria.

Pro

-- Recognizes that Parent Advisory Councils at best involve only a few parents.

-- Encourages States to develop more meaningful ways in which to involve parents on a continuing basis.

-- May actually result in more effective parental involvement than detailed regulations.

-- May be an appropriate way to meet Congressional concern in a State operated program versus a program operated by LEAs.

Con

- -- Fails to establish a threshold since the rating criteria permit funding without a high score in this area.
- -- May result in very little parental involvement in some States.
- -- May not satisfy the concerns of advocacy groups.

___ Option E. Require States to submit the comments of their Parent Advisory Councils with their grant applications.

Pro

- -- Provides additional input for rating applications.
- -- Gives meaning to the term "involvement" by giving State Parent Advisory Councils a significant role.
- -- Will be favored by advocacy groups.

Con

- -- Establishes a threshold for funding not required by the Act.
- -- Will be opposed by some States.

ISSUE #11

How should intrastate and interstate coordination be encouraged to provide continuity in the education of migratory children?

Discussion

Section 122(a)(1)(A) of the Act states: "That payments will be used for programs and projects ... which are designed to meet the special educational needs of migratory children ... and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children." Moreover, Section 122(a)(1) authorizes the Commissioner to make grants to either individual SEAs or a combination of SEAs.

Both H.R. 15 and S. 1753 go further and authorize the Commissioner to set aside up to 5 per centum of the total amount paid to State educational agencies to improve interstate and intrastate coordination including the transmittal of migrant student records. Since the language in the two bills is different and the Conference Committee has not made its report, it would be premature to present options dealing with how such a set-aside should be used. Clearly, however, this is a major issue that needs to be carefully addressed at the appropriate time. The provision is referenced here only to indicate the high priority given to this area by the Congress.

Under the existing program, the States developed and contributed a percentage of their allocations (1.843% for FY 1979) to operate the Migrant Student Record Transfer System. The major purpose of this system is to transmit information on migratory children from one school district to another in a timely manner. It was found, however, to be a superior system to Department of Labor data for determining program allocations, was so recognized by the Congress, and began to serve this additional purpose in Fiscal Year 1975.

The States of Texas and Washington have entered into a cooperative program allowing for high school credits to count for graduation in either State. In addition, the State Title I Migrant Coordinators meet on both a national and regional basis to share information. The Migrant Branch serves as a clearinghouse to disseminate brochures and other materials on State programs.

To date, States have included only minimal funds in their applications to promote interstate and intrastate coordination. At issue here is whether or not steps should be taken in the application process to increase activity in this area beyond the requirement for participation in the Migrant Student Record Transfer System.

Both H.R. 15 and S. 1753 provide a 5% set-aside to fund the MSRTS and to promote interstate and intrastate coordination. Under Option D, a portion of this set-aside would be used to bring small groups of sending and receiving States together in pre-application conferences to discuss how they could strengthen efforts in this area. Each conference would include a major sending State (California, Florida, and Texas), a major receiving State, and several smaller receiving States. To encourage discussion and detailed analysis, the number of States at any one conference would be 8-10. This might require one or more of the sending States to participate in two such conferences. A member of the Migrant Branch staff would be present to stimulate discussion and full consideration of the possibilities. Since the 5% set-aside provides program funds, the expenses of the OE staff member would probably have to come from S & E funds.

Alternatives (Check one or more)

___ Option A. Do not encourage or discourage beyond requirements for participation in the Migrant Student Record Transfer System.

Pro

-- Permits States to determine how best to use their allocations.

-- Does not impose additional requirements on the States.

Con

-- Reflects a lack of leadership on the part of OE.

-- Fails to give priority to an area of obvious concern to the Congress.

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-- Neglects an area that has the potential to increase the Nation's effectiveness in meeting the special educational needs of migratory children.

___ Option B. Require each State to devote at least 10% of its allocation (or a variable percentage based on size of allocation) to projects and activities that will promote interstate and intrastate coordination.

Pro

-- Should lead to the development of activities with great potential for serving migratory children.

-- Assures that States will not neglect this important priority.

Con

-- Establishes a threshold for eligibility not required by statute.

-- Assumes that all States have the same need in this area.

___ Option C. Encourage, but do not require, coordination by giving points under the rating criteria presented in Issue #1.

Pro

-- Clearly meets the intent of Congress.

-- Should cause States to give greater consideration to the need for coordination in developing their applications.

-- May lead to the development of activities with great potential for serving migratory children.

Con

-- Does not assure that States will give high priority to this area.

___ Option D. Provide pre-application leadership by bringing small groups of sending and receiving States together to discuss how their applications might be strengthened in this area.

Pro

-- Same as Option C, plus

-- Demonstrates national leadership by OE in promoting a major Congressional concern.

Con

-- Same as Option C, plus

-- Requires commitment of limited staff time and dollars.

ISSUE #12

How, if at all, should OE encourage States to use the services of public or private nonprofit agencies in operating their programs and projects?

Discussion

Section 122(a)(1) of the Act authorizes grants to SEAs to operate programs themselves or through local educational agencies. The revision of the Interim Final Regulations will make clear that this permits States to contract with public or private nonprofit agencies as well as to make subgrants to local educational agencies to provide services to migratory children.

Advocacy groups are concerned that significant numbers of migratory children go unserved when a LEA refuses to seek funds as a subgrantee and the State is unwilling to work with other agencies to provide needed services. Such groups are equally concerned when a LEA receives a subgrant but uses its funds in such a way that the needs of migratory children are not met. Instances of both situations are documented in the recent report on the State of California's program prepared by the National Council of La Raza.

Options A and B are self-explanatory. Under Option C, States would be given points for determining the proper mix of agencies to provide the most effective services to migratory children. Under the rating criteria presented as an attachment to Issue #1, States are encouraged to make this determination under the Needs Assessment section and could also receive points under item (b) of the Resource Management section.

Alternatives

____ Option A. Do not encourage or discourage the use of public or private nonprofit agencies.

Pro

-- Will be favored by most States.

-- Promotes coordination between the ongoing school program and projects conducted with Migrant Education funds.

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-- Appears to meet the intent of Congress.

Con

-- Ignores situations in which migratory children are not being served at all or are being inadequately served.

-- Does not encourage States to carefully address the proper mix of agencies to be used in operating their programs.

-- Will be strongly opposed by advocacy groups.

___ Option B. Require States to use at least 10% of their funds to subcontract with public and private nonprofit groups in operating their programs.

Pro

-- Will be strongly supported by advocacy groups.

-- May result in additional children being served in an effective manner.

Con

-- Goes beyond the intent of Congress by imposing a threshold requirement not covered by law.

-- Adopts an arbitrary standard for all States that is not defensible on the basis of available data.

-- Will be strongly opposed by the States.

___ Option C. Encourage States to utilize the most effective mix of agencies by giving points for careful consideration of this area.

Pro

-- Permits States to make this determination based on a thorough needs assessment.

-- Encourages States to consider the services of agencies other than LEAs but does not preclude the possibility that sole use of LEAs at the local level may be the best vehicle for program delivery.

-- Meets the intent of Congress.

-- Will be supported by advocacy groups.

Con

-- Fails to assure that nonprofit agencies other than LEAs will be utilized in all States.

ISSUE #13

Should OE give priority to serving preschool children who are currently migrant before providing service to five-year, settled-out migratory children?

Discussion

Section 122(a)(3) clearly provides that children who are presently migrant shall be given priority over five-year, settled-out migratory children. Section 122(a)(3), however, does not define the term "presently migrant" but indicates that this will be determined pursuant to regulations of the Commissioner.

In completing the Library of Congress study on the program, K. Forbis Jordan found that the statute clearly gives first priority to currently school aged, migratory children but found the statute unclear as to which group of children should be given second priority - currently migratory preschool children or five-year settled out migratory children.

The lack of clarity arises in Section 122(a)(1)(D) in which the Act requires States to provide assurance that provision will be made for the preschool educational needs of migratory children "whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph ..." Clause A refers to migratory children but does not define this term.

The problem is that Clause (A) comes first and addresses meeting the needs of migratory children. Section 122(a)(1)(D) comes next indicating a concern for preschool migratory children but gives priority to the children under Clause (A). Section 122(a)(3) follows and deals with settled-out children but gives priority to children who are presently migrant. Section 122(b) provides a formula for determining State allocations that includes only children five through seventeen years of age.

Thus, it would seem that the Commissioner has discretion to determine which group of children shall be given the second highest priority. If he chooses to define the term "migratory children" in Section 122(a)(1)(A) as meaning presently migratory children, then presently migratory preschool children would be given priority over settled-out children five through seventeen years of age. If he chooses to define the term "migratory children" in Section 122(a)(1)(A) to include both presently migratory and settled-out children, then settled-out children five through seventeen years of age would have priority over presently migratory preschool children.

It is assumed that Congress gave priority to presently migratory children since their schooling is interrupted each time their parents move on. Settled-out children no longer experience this interruption of schooling and may indeed be enrolled in a Title I school that is already providing extensive remedial and enrichment activities. Since presently migratory preschool children are likely to continue to be migratory when they reach the age of five, a strong argument exists to give them priority so that they will be better equipped to deal with a pattern of interrupted schooling in later years.

On the other hand, since Congress counted settled-out children in determining State allocations but did not count preschool children, it can be argued that the group on which funding is based should have priority.

The lack of clarity on this issue is not resolved in either H.R. 15 or S. 1753 since the language and order of clauses is the same as in the existing Act.

Alternatives

___ Option A. Give priority to presently migratory preschool children.

Pro

-- Helps assure that services will reach children before significant educational deficits develop.

-- Recognizes the need to provide as much stability as possible at an early age.

Con

-- Is not in accord with the funding formula.

-- Will reduce the level of services to settled-out migratory children with major educational needs.

___ Option B. Give priority to school-aged, settled-out migratory children.

Pro

-- Provides some continuity of service during the five year transition period.

-- Recognizes that the needs of this group have not changed just because their parents have stopped migrating.

-- Is in line with the funding formula.

Con

-- Fails to take advantage of an opportunity to prevent deficits from developing for a significant number of children.

-- Fails to give priority to the truly migrant child.

___ Option C. Let the States decide.

Pro

-- Bases decision on a thorough needs assessment of the services available to both groups.

-- Recognizes that conditions differ from State to State.

Con

-- May result in considerable inconsistency among the States.

ISSUE #14

Under what conditions should OE invoke sanctions to assure compliance with the terms and conditions of grants awarded under the Migrant Education Program?

Discussion

A clear distinction needs to be made between the terms "audits" and "monitoring." Audits are conducted by the Audit Division of HEW after the grant award period has ended. The finding of major audit exceptions during this process reflects badly not only on the grantee but on OE management as well. The purpose of monitoring by OE program officials during the grant period is to detect and promptly correct violations by grantees before they become major.

Discovery of violations during program monitoring does not necessarily imply that the State is deliberately engaging in illegal practices. In most cases, such violations may be expected to be quickly corrected if the Chief State School Officer is promptly notified and if there is a systematic procedure for invoking sanctions to indicate the seriousness of the matter.

The present system for monitoring grant awards by the Migrant Branch is referred to as an annual program review. It has been possible, however, to conduct reviews each year only in States with large grants; in other States it has been done as often as possible. The review is conducted by Program Specialists during a five day period in which the SEA and an average of five local projects are visited. Upon their return to Washington, a letter is prepared for the signature of the Director/DED to the Chief State School Officer. The letter, which may take more than two months to be sent, offers both commendations and recommendations for improvement. A complete description of the current system for monitoring including proposals for improvement is at Appendix E.

In brief, program reviews seem to be designed more to provide technical assistance than to monitor grantee compliance. This is not to say that serious violations are not at times found and reported. Staff members have uncovered illegal practices such as using program funds to supplant State and Local funds, to serve non-migratory children, and to pay for administrative costs that shoul have been paid for from the one percent set-aside provided for the administration of all the

Title I programs.

The problem is that such discovery does not hasten the process of formal notification and, in any event, no procedures have been established for invoking sanctions. Indeed, in the eleven years that the program has been in operation, sanctions have never been invoked. In most cases, the States do write back indicating that violations will be corrected. There is, however, no provision to send program officers back to the State to be certain this has occurred. It may, in fact, be two years before the State is visited again.

The attitude of many personnel in the Division, including the Migrant Branch, is that invoking sanctions is something you just don't do to States.

At issue here is whether the Commissioner wants monitoring to focus on compliance with the terms and conditions of grant awards or to continue the existing system. The issue focuses on sanctions since the development of a system of sanctions and a willingness to use them is essential in program monitoring.

This is a major issue since the Commissioner has such authority under both the General Provisions Act and the Title I statute itself. Moreover, the lack of effective monitoring by OE of all Title I programs is a matter of deep concern to the Congress. The Committee reports for H.R. 15 and S. 1753 both address this concern, and both bills increase provisions for monitoring. Inadequate monitoring by both OE and the States is a major concern of advocacy groups as well.

Section 146 of the existing Title I statute deals directly with Federal administration of the Migrant Education Program and states:

> Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under section 122 or 142(b) the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until

> he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

Section 136(a) of H.R. 15 continues the foregoing provision with the following addition:

> Pending the outcome of any proceedings under this subsection, the Commissioner may suspend payments to such agency, after such agency has been given reasonable notice and opportunity to show cause why such action should not be taken.

Sections 136(b) and (c) add two new provisions as follows:

> (b) NOTICE TO PUBLIC OF COMMISSIONER WITHHOLDING.--Upon receipt by State of a notice under subsection (a) that the Commissioner is withholding payments, the Commissioner shall take such action as may be necessary to bring his action to the attention of the public within the State.
>
> (c) COMPLIANCE AGREEMENT.--The Commissioner may suspend the initiation or continuation of his withholding action under subsection (a) during any period there is in effect a compliance agreement with the State educational agency under this subsection. Such an agreement shall be deemed to be in effect for the period specified therein, except that if the State educational agency fails to comply with the terms agreed to, such an agreement shall no longer be in effect and subsection (a) shall be fully operative. In implementing such subsection, the Commissioner shall take into account any partial compliance by such agency under such agreement. For purposes of this subsection, the term "compliance agreement" means agreement which--
>
> (1) sets forth the terms and conditions to which the State or local educational agency or State agency has agreed in order to comply with the requirements of this title or the General Education Provisions Act and regulations promulgated thereunder;
>
> (2) which addresses all the matters that formed the basis for the initiation of the withholding action by the Commissioner; and

> (3) which may consist of a series of agreements that in the aggregate dispose of all such matters.
>
> A compliance agreement under this subsection shall not be exempt from disclosure under any provision of section 552, of title 5, United States Code. Within fifteen days after the execution of any compliance agreement under this subsection, the Commissioner shall send a copy thereof to each organization or person who filed a complaint with respect to any failure to comply which is covered by that agreement.

Again, these provisions deal directly with Federal administration of the Migrant Education Program and not the basic Title I program for LEAs, which is in part a State administered program. S. 1753 provides the same provisions, although there are some differences in language.

Under Option B, regulations would be developed and published that would provide guidance to the States on how and under what conditions the sanctions permitted by statute would be invoked. Program officials would be directed to clearly separate technical assistance activities from monitoring and to develop a plan including a schedule and a standard form for monitoring the terms and conditions of grant awards. With the addition of six staff members, adequate travel money, and a precise definition of mission, the Migrant Branch should be able to monitor all grantees during the third month of their grant periods or in some other month if project activities are compressed into a limited period of time. In this way, illegal activities would be detected before major audit exceptions develop. States with large grants and States with a history of compliance problems would be visited more often. Even without an increase in staff, monitoring would be more productive, to the extent that it could be done.

If violations were discovered during a monitoring visit, they would be thoroughly documented and a letter sent to the Chief State School Officer within 48 hours of the team's return to Washington by the Director/DED. The letter would cite the specific regulations that had been violated and would advise that funding for all or part of the State's grant would be suspended if a compliance agreement were not entered into within 10 days. This could include suspension of the State's Title I administrative funds if it should be found that program funds were being used for administrative purposes as forbidden by regulation.

If the State failed to enter into a compliance agreement, or it was discovered on a follow-up monitoring visit (that would automatically be made within 30 days of the compliance agreement) that the State was not in compliance, the Director/DED would immediately suspend funding for all or part of the State grant award, pending the completion of a hearing to be held within 60 days. If the hearing established non-compliance, all or part of the State's grant would be terminated and the by-pass or reallocation mechanism of the Act would be invoked.

The foregoing is intended as only a brief scenario of the administrative implications of Option B.

Alternatives

___ Option A. Continue existing system.

Pro

-- Assures that services to migratory children will not be interrupted.

Con

-- May divert funds provided to meet the special needs of migratory children and thus deprive them of service.

-- Encourages States to misuse funds by leading them to believe that proper management is not required.

-- Sets a bad example for States who have their own monitoring responsibilities.

-- Is a clear and direct violation of Congressional intent.

-- Would be strongly opposed by advocacy groups.

___ Option B. Invoke sanctions on a systematic basis whenever thoroughly documented violations of the terms and conditions of the grant award are identified.

Pro

-- Clearly meets the intent of Congress.

-- Will automatically result in a reduction in violations once the States recognize OE expects proper management.

-- Will be supported by advocacy groups and States.

Con

-- May interrupt services for some migratory children.

ISSUE #15

At what level of OE's organizational structure should the Migrant Education Program be placed?

Discussion

At present, the Migrant Education Program operates as a branch of the Division of Education for the Disadvantaged. The staff on board to administer the $173 million program at the time of this program audit included the Branch Chief, six Education Program Specialists, and one Clerk-Stenographer. DED claims to provide support services totaling 5.2 person-years from its other branches, but staff members within the Migrant Branch perceive this support as increasing rather than reducing their work load since the support is for the most part a review of documents and correspondence related to the operation of the grant program. Major program functions such as initiation of policy development, technical assistance, grant processing, and post award monitoring are clearly the responsibility of the Migrant Branch. At the time of this Program Audit, there were fifty-seven staff members in DED in addition to those in the Migrant Branch.

Advocacy groups for migratory children have been in the vanguard in pressing OE to remove the Migrant Program from DED and to create a Division or Office to give leadership to Migrant Education and to administer the grant program. Such efforts have gained Congressional support as well as support from some officials within OE. Advocacy groups charge that OE has failed to provide leadership in developing national goals and strategies for educating migratory children. They point to the lack of precise and clear direction in the Interim Program Regulations, to the absence of final regulations eleven years after the program's inception, and to inadequate technical assistance and supervision of funded programs. Lack of staffing and organizational placement are perceived as mechanisms by which OE has deemphasized the special needs of migratory children. The continuing concerns of advocacy groups and others were documented in a report issued in 1977 by the National Council of La Raza entitled "An Analysis of the Administration of the Title I Migrant Education Program by the U.S. Office of Education."

Past administrations have rejected such recommendations to create a Division or Office for Migrant Education on the basis that staff was not available to create a separate Division and that it was desirable to keep Title I programs together. This is countered in part by the fact that the only other large set-aside program under Title I is administered by the Bureau of the Handicapped. Moreover, the level of staffing required to administer the program would not increase if the Branch became a Division. However, the present level of staffing is totally inadequate. The problem of staff will be discussed in depth in the next section of this report.

The administrative requirements of the Migrant Education Program are considerably different than those of the basic Title I program. Under the Migrant Education Program, OE is responsible for awarding direct grants to States to operate programs for migratory children upon receipt of approvable applications. The State may conduct its programs and projects directly, make sub-grants to local educational agencies, subcontract with public and private nonprofit agencies, or use an appropriate combination of the three approaches. Under the basic Title I program, the States administer the program and make grants to LEAs based on an entitlement that is determined by the Congress for each county in the United States. Where county and school district lines are not coterminous, the States have some discretion in determining the formula to be used to determine LEA entitlements.

Under Option A, the program would continue as a branch of DED. A major problem with this option is that Divisional staff view the program as only a small appendage to the $2.3 billion program of assistance to LEAs. This may be the underlying reason for the inattention paid to this rapidly growing program and for the Division's failure to address in a systematic way the critical management and policy issues related to program operation.

What Divisional staff fail to perceive is that the Migrant Education Program is one of the largest direct grant programs to States in the history of American education. Moreover, the Congress gave it the highest priority by requiring that its funds come off the top of the total Title I appropriation, even though this meant reducing service to LEAs. This plus the provision of sufficient language to permit major flexibility in program implementation was a direct statement of Congressional intent that the Office of Education provide national leadership in meeting the extraordinary and historically neglected needs of migratory children.

Under Option B, the Migrant Branch would be combined with the Program Operations Branch to create a new and enlarged Branch in DED. The Program Operations Branch had 24 staff members on board at the time of this audit. If both Branches could be brought to their authorized levels of staffing and combined, it should be possible to develop a work plan that would give major priority to the Migrant Education Program at those points in the year when the work load is particularly heavy. This would, however, require a major change in staff perception that may not be possible. Moreover, such a move would be seen by groups concerned with the education of migratory children to be a further effort to deemphasize the program and could precipitate Congressional action to mandate program placement unless this move resulted in rapid progress in removing program deficits.

Under Option D, the program would be co-located with another direct grant program serving children with some of the same needs. In this way two programs would be able to share limited staff resources during peak periods through joint scheduling of program activities. Such a move would need to be supported by building into the staffing a strong planning unit with the capacity to generate on a continuing basis new strategies and procedures for serving the needs of migratory children more effectively.

Options C and E are essentially self-explanatory. Option F was proposed by the National Education Association in testimony before the Subcommittee on Elementary, Secondary, and Vocational Education of the House Committee on Education and Labor on September 20, 1977. In brief, the NEA proposes the establishment of a National Office of Migrant Education reporting directly to the Commissioner of Education. The goals of the proposal would be to provide national leadership in the education of migratory children and to consolidate Federal programs serving the educational needs of migratory children and their families under this office. There is considerable support in the States for migrant program consolidation, and selection of this option would give momentum to these efforts.

The difference among the terms "section," "branch," "division," "bureau," "deputyship," and "office" have little real meaning in modern management. They stem from the Weberian model of bureaucracy and the era of classical management theory. The decision on where to place the Migrant Education Program should be based on how best to serve the client population and not on outmoded organizational constraints that interfere with function. The most important ingredients in effective management are planning, people, and performance. Where these may be best provided is the level or place where this high priority program should be located.

Alternatives

____ Option A. Continue Migrant Education as a branch of DED.

Pro

-- Promotes coordination between the basic Title I program and the Migrant Education Program.

-- Could, if properly administered, result in more efficient use of personnel.

-- Avoids further splintering of OE programs with similar goals.

Con

-- Fails to recognize the need for national leadership in the education of migratory children.

-- Assumes that a history of inattention for eleven years will disappear without a change in structure.

-- Will be opposed by advocacy groups.

-- May result in Congress making a different decision.

____ Option B. Combine the Program Operations and Migrant Branches into a new unit in DED.

Pro

-- Same as Option A plus

-- Promotes sharing of staff and other resources.

Con

-- Further submerges the visibility of migrant education.

-- Fails to recognize the need for national leadership in the education of migratory children.

-- Assumes that a history of inattention for eleven years by Divisional staff will disappear.

-- Will be strongly opposed by advocacy groups.

-- Will almost certainly result in Congress mandating organizational placement unless rapid progress is made in removing program deficits.

___ Option C. Create a Division of Migrant Education reporting directly to the Deputy Commissioner/BESE.

Pro

-- Continues to promote coordination of the Migrant Education Program with the basic Title I program by retaining both in the same Bureau.

-- Makes it possible for the Deputy Commissioner to exercise direct supervision of a large and important grant program within his jurisdiction.

-- Will be supported by most advocacy groups.

-- Recognizes the essential administrative differences between a grant program administered by OE and one administered by the States.

Con

-- Increases the number of operating units for which the Deputy Commissioner is directly responsible.

-- Reduces coordination between the Migrant Education Program and the basic Title I program.

___ Option D. Co-locate the Migrant Education Program with another direct grant program.

Pro

-- Makes it possible for two programs performing similar functions to share staff and other resources.

-- May make it possible to meet the needs of peak work periods in both programs through careful scheduling.

-- May be cost effective.

-- Gives more visibility to migrant education than exists at present.

Con

-- May combine two programs with heavy workloads and a backlog of problems that would only exacerbate the problem.

-- Assumes that the needs of a highly mobile student population are similar to any other group.

___ Option E. Create an Office for Migrant Education reporting directly to the Commissioner or EDCEP until an effective system is developed and then relocate.

Pro

-- Gives the highest visibility to the needs of migratory children.

-- Will be strongly supported by advocacy groups.

-- Increases the likelihood that the best resources OE can muster will be available to make rapid progress in problem resolution.

Con

-- Fails to recognize that both the Commissioner and EDCEP have oversight responsibility for all programs in OE.

-- Does not promote coordination with other efforts directed to increasing equality of educational opportunity.

___ Option F. Create a National Office of Migrant Education reporting directly to the Commissioner of Education.

Pro

-- Same as Option E plus

-- Provides momentum for efforts to consolidate all Federal programs providing educational services to migratory children and their families under a single office.

Con

-- Same as Option E.

INTERNAL MANAGEMENT

It is a simple matter to describe the system of internal management in an organization in which eight individuals have the responsibility of administering a direct grant program involving more than $173 million to serve a client population that has been historically neglected by the American educational system. Each and every staff member is interchangeable, and each and every staff member must work many hours beyond the normal work day to perform even the must urgent functions.

It is a more difficult matter to describe the problems associated with such severe staffing constraints since they are legion. Some of these have been identified already in previous sections. In this section, the following five major problems are described including the consequences of existing conditions plus recommendations for approval:

I. Staff Size
II. Recruitment
III. Training
IV. Space, Facilities and Equipment
V. S & E Funds

STAFF SIZE

PROBLEM I

Since 1968, the permanent staff of the Migrant Branch has fluctuated between five (5) and eight (8) education program specialists and one (1) and three (3) clerical staff members. At the time of this program audit, the Migrant Branch was authorized to have a total of seventeen positions. In actuality, however, there were only seven education program specialists and one secretary as follows:

	Name		Length of Service In Branch
1.	Mr. Vidal Rivera, Jr.	GS-15	10 years
2.	Mr. Joe Bertoglio	GS-14	10 years
3.	Ms. Lila Shapiro	GS-14	12 years
4.	Mr. Pat Hogan	GS-14	9 years
5.	Dr. Walter Steidle	GS-14	6 years
6.	Ms. Lorna Polk	GS-12	3 years
7.	Mr. John Ridgeway	GS-7	2 years
8.	Ms. Tawney Bosley	GS-4	2 years

As may be seen, there has been limited turnover at the senior staff level. Staff turnover has been principally among the clerical and middle grade staff due to limited promotional opportunities. Two additional program specialists formerly assigned to USOE Regional Offices are expected to come on board during the course of this program audit and two GS-3 clerical staff have been promised for the near future.

During this same period, the allocation for the program has grown from $41 million to in excess of $173 million. Program funds will in all likelihood exceed $200 million within the next two years. In addition, both H.R. 15 and S. 1753 provide for a set-aside of up to 5 per centum to operate the Migrant Student Record Transfer System and to support other activities to improve interstate and intrastate coordination of programs for migrant children.

The staffing recommendation in this paper is not, however, based on the growth in program funds; it is based on functions that the staff must perform in conducting a direct grant program to the States. Unlike the basic Title I program, the Migrant Program is a Federally administered program rather than a State administered program. Comparisons between the two components on the basis of total allocations received are meaningless.

The staff size needed in 1968 to properly perform program functions in the Migrant Branch was 20. The recommendation in this paper for a staff of 28 for the next several fiscal years is not based on increased dollars but on program complexities that have been enacted by Congress since 1968 (see Background section), including the increased emphasis being placed on interstate cooperation in the reauthorization legislation. The Congress, advocacy groups, and the States all expect the Migrant Branch to play a major leadership role that it has not been able to meet.

In addition to leadership, the major functions that must be performed in a direct grant program include the preparation and periodic revision of program regulations to guide the funding process; the preparation and revision of application materials; the provision of technical assistance to individual applicants upon request; the review of grant applications in a timely and responsive manner; the monitoring of approved grants to assure compliance with grant terms and conditions; the invoking of sanctions to assure compliance, when needed; the maintenance of complete case files on all grants, including correspondence; the provision of public information and dissemination, including the analysis of annual evaluations received from grantees and the preparation of reports based on such analysis; and monitoring of the MSRTS and other contracts.

The staffing recommendation made in this paper does not depend on organizational placement. The positions recommended are needed to perform essential program functions. The independent consultant has suggested that overall staffing for the program would require fewer lines if the Branch is changed to a Division reporting directly to the Deputy Commissioner/BESE since DED now claims to provide the equivalent of six (6) positions to support the program. These six lines could be transferred to the new Division and become part of the twenty-eight suggested positions.

CONSEQUENCES

The consequences of inadequate staffing have been dealt with earlier in this paper in great detail. In brief,

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the highlights are:

- --- Lack of internal capacity to generate alternative policy recommendations and program regulations.
- --- Inability to provide technical assistance upon request on an individual basis to the States.
- --- Inability to make all grant awards in a timely and responsive way.
- --- Inability to assure coverage of area desks.
- --- Inability to follow through on compliance violations to be certain they are corrected.
- --- Inability to provide leadership in interstate and interagency coordination as requested by the States and client groups.

RECOMMENDATIONS

1. That the authorized level of staffing be increased to 28.
2. That the program be given priority in filling these positions.
3. That the organizational chart displayed in Appendix F be tentatively approved pending further refinement during the implementation phase.

RECRUITMENT

PROBLEM II

In the past, some staff members have been assigned to the Migrant Branch without being interviewed and recommended by the Branch Chief. In some cases, individuals have been assigned as program specialists who possessed limited experience or expertise concerning either the needs or the education of migratory children.

CONSEQUENCES

Due to limited staffing, this has not been a major problem to date. However, if an expansion in staff is to have maximal impact on program improvement, staff must be selected on the basis of qualifications. Moreover, there is a dire need for increased staffing by persons who are bilingual in English and Spanish.

RECOMMENDATIONS

1. That no position be filled in the Migrant Program without candidates being interviewed by the Branch Chief with an opportunity for him to make recommendation on the person to be selected.

2. That all program specialists to be employed have expertise in the special educational and other needs of migratory children.

3. That emphasis be placed on recruiting personnel who are bilingual in English and Spanish.

TRAINING

PROBLEM III

Training has been afforded to staff on a very limited basis due to the staffing constraints already described. Branch staff have attended some short term training programs within OE, but these programs have been of limited depth and scope.

CONSEQUENCES

--- Individual staff members have not had the opportunity to develop in-depth expertise in the various aspects of grants management.

--- Staff members with a lengthy record of service in the Branch have had no opportunities for renewal activities.

RECOMMENDATIONS

1. That, if staffing is expanded to the recommended level, a plan be developed to provide each staff member with one training opportunity each year in a specialized area of grants management of at least one week's duration.
2. That each staff member upon completing at least five years of service be provided with a renewal experience of at least two month's duration in a field of his/her choice.
3. That S & E funds be provided for this purpose.

SPACE, FACILITIES, AND EQUIPMENT

PROBLEM IV

Currently the Migrant Branch is located in two separate areas of the Division's allotted space in ROB-3. The program staff and one secretary are located in an inner office space and office areas are sectioned off by dividers. The Branch Chief is situated in another part of the building considered the immediate office of the Division Director. There is no intercom hook up with the branch staff and telecommunications must be made through assigned general office telephone numbers. The arrangement requires the Branch Chief or his staff to continually traverse between offices for conferences or other office business. When the Branch Chief is in the inner office, calls must be transferred to the inner office, a message left, or a second call made to another number.

Available space in both the Division and Branch are inadequate to accommodate staff increases already approved. Space allocated to the Branch is only sufficient to house two additional professionals and two additional secretaries.

There is a shortage of file space, and most typewriters in the offices are in a state of disrepair. Under current staffing constraints, the availability of a "Lexitron," a sophisticated typewriter with video display, memory storage, and printing capacity is the only thing that has kept the program from coming to an absolute halt.

CONSEQUENCES

--- The Branch Chief is unable to provide direct supervision of his staff and is not easily accessible to them.

--- The current arrangement wastes the time of both staff and clients.

--- Inadequate filing space results in important documents being misplaced and even lost.

--- Space is not available to house even the authorized level of staff.

RECOMMENDATIONS

1. That the physical separation of the Branch Chief

and his staff be ended.

2. That additional space and files be provided for storage.

3. That additional space be allocated to house the authorized level of staffing.

4. That obsolete typewriters be replaced and that others be maintained on a scheduled basis.

S & E FUNDS

PROBLEM V

Allocation of S & E funds that enable the Division to carry out its functions has posed a major problem every year. These funds are used for staff travel, overtime, supplies, printing, materials, etc. The actual amount the Division may spend is never known in sufficient time to properly plan its use. It appears to vary from year to year and the entire Division can annually look forward to submitting multiple budgets and plans. This process causes program managers to hesitate in making program monitoring and technical assistance commitments. In FY 78 the Bureau called for S & E plans during September with instructions to plan against the following priorities:

1. Activities we must do this year.
   a. Program reviews
   b. Audits
2. Activities we should do this year.
   a. Technical assistance
   b. Attendance at National and regional conferences and workshops
3. Other activities not in the above with good justification.
   a. State workshops
   b. Committee meetings with State Directors to develop improved services for children

The Division was given $180,000 to plan against and requests from the Branches exceeded that mark. The Division Director reduced each budget by line item and requested an amended plan.

The Migrant Branch requested $55,673 to conduct program reviews, attend conferences, and to provide limited technical assistance. This was cut to $29,484. All technical assistance and conferences were eliminated, and some program reviews were canceled.

The Branch operated on this reduced budget until mid-April, when it was given an additional amount of $13,714. More program reviews were scheduled and some conference travel provided.

While the total budget is at $43,198 until September 30, the Branch has not been officially notified that this is the maximum. Thus, the Branch plans to make needed expenditures in this area until it is told to quit.

In summary:

1. Annual S & E funds are usually not announced in total before February or March of the Fiscal Year.
2. Upper level offices overestimate funds at the beginning, leaving insufficient operational dollars at the program level.
3. The excess is usually passed down near the close of the school year and arrives too late for proper budgeting.

CONSEQUENCES

--- Makes it impossible to provide technical assistance when it is most needed.

--- Results in indecisiveness in scheduling technical assistance, conference travel, and program reviews that adversely affects the program's image and effectiveness in the field.

--- Makes it impossible to provide the leadership that States expect since program staff are unable to attend interstate committee meetings dealing with program development.

RECOMMENDATIONS

1. Give priority in the overall allocation of OE S & E funds to meeting statutory requirements such as program monitoring, audits, and field investigations.
2. Give priority in the overall allocation of OE S & E funds to programs whose legislation requires interstate coordination of activities.
3. Begin the planning cycle early in the summer so all decisions may be made by October 1.
4. Use past experience as a guide and budget all available funds prior to October 1 so program managers can schedule staff travel plans on a firm

basis and so sudden windfalls of travel funds are avoided in the last two quarters of the Fiscal Year.

5. Request adequate S & E funds from Congress to meet important program thrusts. For example, OE may find itself in the embarrassing position of providing several hundred thousand dollars to interstate task forces during the coming year under the 5% set-aside and then find itself unable to meet its leadership responsibilities in the planning activities due to a lack of travel funds.

APPENDIX A

DETAILED SUMMARIES OF STUDIES ON THE MIGRANT EDUCATION PROGRAM

I. Wednesday's Children: A Report on Programs Funded Under the Migrant Amendment to Title I of the Elementary and Secondary Education Act; National Committee on the Education of Migrant Children, 1971.

This report presents the findings and recommendations of a one-year (1969–70) study of the Title I program for migratory children. The principal sources of information were (1) the Migrant Branch of the U.S. Office of Education, (2) State educational agencies, (3) local project questionnaires, and (4) site visits. A summary of the significant findings resulting from this study is as follows:

1. Migrant children are found in 47 States. Most of these children will live for various periods of time in two or more States. Their periods of migration do not coincide with regular school breaks.
2. Given these patterns of migration, the education of migrant children is a problem and, as such, programs of education for these children should be national in scope and interstate in their nature.
3. The leadership for such efforts must rest with the Office of Education.
4. National goals and strategies for implementation of the program must be formulated, and there must be national leadership and planning.
5. The program has suceeded in mobilizing most State educational agencies to develop services for migrant children. These programs vary greatly in their effectiveness.

Recommendations include the following:

1. The Office of Education must give stronger leadership to the development of national goals and strategies. The Migrant Branch must be more adequately funded and staffed, and it must more vigorously fulfill its responsibilities for national program planning, technical assistance, monitoring, and evaluation.
2. It is imperative that Congress appropriate funds in time for States to receive notification of the full amount of their migrant education grant at least one year in advance of the start of the fiscal year.
4. Current allocation procedures must be changed. Financial support should be provided on the basis of pupil needs, providing higher per pupil expenditures where needs are greater.
5. A national program for the recruitment of competent teachers and administrators for migrant education programs should be initiated by the Office of Education in cooperation with appropriate teacher training institutions.

6. The Office of Education must develop consistent and comprehensive procedures for collecting and recording data essential to fiscal and program planning.

7. The Office of Education must take the initiative for planning a comprehensive nationwide effort to enable more migrant students to graduate from high school.

8. The Department of Health, Education, and Welfare, in cooperation with the U.S. Office of Economic Opportunity, the U.S. Department of Labor, and the U.S. Department of Agriculture, should provide leadership for the coordination of the various Federal programs available to migrant children.

9. The enrollment of migrant children must be the concern of local educational agencies.

10. Local schools should provide much more guidance to both children and their parents.

11. Each community must work together with the other communities throughout the nation to bring about basic changes in the farm labor system which will assure farmworkers adequate wages and decent working conditions.

II. Impact of Federal Programs To Improve the Living Conditions of Migrant and Other Seasonal Farmworkers; U.S. General Accounting Office, 1973.

This audit of Federal programs administered by the U.S. Departments of Agriculture; Health, Education, and Welfare; and Labor; and the U.S. Office of Economic Opportunity concluded that migrant children:

1. Were not achieving at the grade level at which they were enrolled in reading, mathematics, and language skills, and that in these skill areas, they were performing below other students in their classes; and

2. Educational deficiencies usually became greater as the students moved into higher grades.

The audit also revealed that:

1. Some school districts that enrolled substantial numbers of migrant children were not participating in the migrant education program because they were unaware of the program, were unaware that migrant children were enrolled in their schools, or were unwilling to participate because of the additonal paperwork.

2. Although annual evaluations of migrant education programs are required, the Office of Education had not developed a systematic approach for evaluating the overall impact of the numerous migrant education programs.

Appropriate teacher training institutions

3. Programs were not coordinating their efforts to determine the most successful ways to teach migrant children.

4. Monitoring and evaluation were not very effective in any of the programs reviewed.

The report recommended that the Office of Education do the following:

1. Implement the evaluation requirements of the Elementary and Secondary Education Act by developing an effective monitoring and evaluation system to provide information on (a) the progress made by migrant education programs in improving migrant childrens' achievement, and (b) the best teaching methods, curricula, and educational materials to meet their special educational needs;

2. Disseminate this information to States and school districts participating in migrant education programs; and

3. Inform all school districts of the programs and encourage schools with many migrant children to participate.

III. Evaluation of the Impact of Title I, ESEA, Programs for Migrant Children of Migrant Agricultural Workers; Exotech Systems, Inc., 1974.

In Pub. L. 92-318 of June 1972 (Education Amendments of 1972), the Congress directed the Commissioner of Education to conduct a study of the operation of Title I, ESEA, as it affects the education of migrant children. The study was to include an evaluation of specific programs and projects "with a view toward the assessment of their effectiveness" and a review of the administration of programs and projects by the States. The Congress further directed the Commissioner to report by December 31, 1973, on the effectiveness of individual programs and projects, to evaluate State administration of programs and projects, and to make recommendations for their improvement.

To meet the Congressional mandate, the Office of Education's Office of Planning, Budgeting, and Evaluation drew a sample of ten States. These included California, Florida, and Texas as "homebase States" where most migrant workers reside for much of the year, and Colorado, Michigan, New Jersey, New York, North Carolina, Ohio, and Washington as "receiving States" to which many migrant workers move during the crop harvesting season. Within these States, random samples of school districts and school buildings with migrant education projects were visited, and random samples of school principals, teachers, teacher aides, volunteers, members of advisory committees, and students and their parents responded to questions on interview forms prepared for the study.

The limited time that was available to conduct the study and to write the report precluded the collection of before and after measurements on achievement tests and other outcomes, and contributed to making the study largely exploratory in nature and the report descriptive.

Major findings and conclusions were as follows:

1. Migrant students fall behind their peers in grade level and in level of academic achievement.
2. Divergencies were most marked at the third and fourth grade levels.
3. Migrant children have a 40% chance of entering the ninth grade (compared with a 95% chance for non-migrant children).
4. Migrant children have an 11% chance of entering the 12th grade (compared with an 80% chance for non-migrant children).
5. Migrant parents were nearly unanimous in their satisfaction with the experiences of their children at school.
6. Most migrant parents wanted their children to go on to post-secondary education.
7. Most migrant children expressed a desire to enter a career requiring at least a high school education, and in many cases, a college education, trade school, or technical training.
8. Most migrant education program students are enrolled in the elementary grades, with a notably lower enrollment in grades 7-12.
9. Perceived academic failure and frustration are powerful factors in the migrant child dropout rate.
10. Most project directors and school principals indicated that the Migrant Student Record Transfer System (MSRTS) was useful to their school and staff members.
11. 44% of the teachers interviewed did not use information from the MSRTS because it arrived too late or not at all, they preferred to use their own assessments, or it was felt that the MSRTS information was not necessary or not reliable.
12. The present counting formula for migrant children (adjusted U.S. Employment Service statistics) most likely results in overcounts in some States and undercounts in other States.
13. Interstate coordination usually consisted of shared funding and participation in the MSRTS, a limited exchange of teachers, and the use of curriculum materials developed in other States.
14. A major obstacle to interstate and interagency coordination was cited as the non-uniformity of definitional requirements for service eligibility.
15. Another major obstacle was identified as late and uncertain funding.

The study also made a number of recommendations regarding the overall administration and regulation of the migrant education program by the Office of Education, as follows:

1. That specific objectives to measure the performance of national goals be formulated;
2. That a national approach to needs assessment be developed;
3. That greater interstate coordination be encouraged;
4. That parent advisory councils be formulated;
5. That Federal agencies better coordinate their programs through standardization of program definitions; and
6. That the Migrant Branch be more adequately staffed, and that consideration be given to increasing its organizational placement level.

IV. HEW Audit Agency Migrant Education Program Report; Audit Agency of the U.S. Department of Health, Education, and Welfare, 1974.

This audit of the Title I migrant education program made recommendations as follows:

1. Intensify improvements in program administration such as intensifying the review of project applications and conducting more comprehensive site monitoring.
2. Establish procedures that would clarify the national definition of a migrant child.
3. Establish procedures that would clarify the national definition with respect to the types of parental employment that would qualify as "employment under agriculture."
4. Provide SEAs with formal guidelines for identifying and reporting migrant children, both for planning and for improving the quality of input to the MSRTS.
5. Establish a requirement that project applications include a description of eligibility criteria being used and reporting practices being followed so that the Migrant Branch, in their reviews, can detect inconsistencies with program criteria.
6. State applications should be subject to a more thorough review with effective internal procedures to carry out and document a systematic and comprehensive review of each application.
7. The Office of Education should require from SEAs a more comprehensive project application.

8. SEAs should emphasize controls over LEA applications.

9. The Office of Education should consolidate migrant education program instructions.

10. The Office of Education should experiment with integrated service agencies.

11. Procedures and controls should be strengthened in the areas of financial management and contracting.

12. The program evaluation system should be strengthened. Emphasis should be given to the development of criteria for measuring and reporting program effectiveness against objective standards.

13. The Office of Education should strengthen its control over the MSRTS by establishing a review program.

14. The Office of Education should establish or redesign an integrated management information system for the program to meet management's needs for data.

15. Require systematic program analysis to provide information for planning and the identification of successful approaches and projects and program areas which need management attention.

16. Encourage participation in the development of measurements for operational and cost effectiveness.

V. Migrant Child Welfare; InterAmerica Research Associates, Inc., 1977.

This study, contracted through the Administration for Children, Youth, and Families of the Office of Human Development Services, U.S. Department of Health, Education, and Welfare, found that the Title I migrant education program had the greatest impact of any Federal program on the welfare of migrant children, including with respect to the provision of day care services. Contact was made with 12 local educational agencies and their respective State educational agencies.

Some of the major findings of the study are as follows:

1. Most migrant children receive services through migrant education programs at some point during their travels.

2. Schools that operate summer migrant education programs do not do a good job of matching operating hours with the work day of the parents. As such, many children are left unsupervised.

3. It is common for migrant children (as young as four) to work in the fields instead of attending school or another supervised program. In fact, relatively few migrant children attend school beyond age 12.

4. Most projects provide supporting services and bilingual education programs, when appropriate.

5. Records continuity and program coordination at all levels (Federal, State, and local) are in need of improvement.

Recommendations were presented as follows:

1. Coordination of Federal programs that serve migrants should be accomplished by establishing a panel comprised of the directors of all Federal programs that serve migrants directly, and the directors of other programs that have a substantial number of migrants in their programs' service populations.

2. The Title I migrant education program should designate day care and preschool as priority services. It should revise its funding procedure so that the total number of children, aged 0-5, is also used in computing allocations for programs.

3. The Office of Education should improve its interaction with State educational agencies to effect better administration of the programs at the local level. This effort should include better use of the reallocation provision, evaluation reports, data information systems, and the adaptation of successful models.

VI. Promises To Keep: The Continuing Crisis In the Education of Migrant Children; National Child Labor Committee, 1977.

This report of the National Child Labor Committee, based on "field investigations" and previous reports, maintained that the Office of Education has failed to properly implement, monitor, and evaluate the Title I migrant education program. The report cited as major problems (1) the lack of accountability, (2) the misuse of funds, and (3) poor administration of the program.

Areas of concern noted in the report were as follows:

1. The paperwork required to participate in the program is extensive and confusing.

2. The Migrant Branch is staffed with a number woefully inadequate to meet the spirit of the law and to insure compliance.

3. State applications are not reviewed critically.

4. There exists a rivalry between the Title I program and the migrant education program.

5. The lack of a standard Federal definition of a migrant adversely affects program coordination.

6. Delays in funding local programs adversely affect project planning.

7. There are no consistent and comparable evaluation standards.

8. Needs assessment is not done on an on-going national basis.

9. There is inadequate provision of bilingual education.

10. Many eligible children are not identified and, therefore, are not served.

11. Many identified eligible children are not served.

12. There are no standardized (Statewide or nationwide) tests used; as such, there is a wide variety of testing instruments and procedures.

13. There are unacceptable delays in the arrival of MSRTS records and incidence of incomplete records.

14. Formerly migratory children are not well-recruited nor well-served.

15. SEAs do not exercise tight fiscal control measures.

16. Funds are being used to supplant State and local funds.

17. Funds are being used to provide services to non-migrants.

18. The Office of Education recovers little of the money that has been spent in violation of the law.

19. There is little interstate coordination.

20. Staff training is not adequate.

21. There is little provision for day care and preschool services.

22. SEAS and LEAs are subjected to little outside evaluation and monitoring.

23. The State by-pass is inadequately used by the Office of Education.

24. It is difficult for individuals to secure copies of public program documents.

25. There is inadequate home-school contact and parent involvement.

VII. An Analysis of the Administration of the Title I Migrant Education Program By the U.S. Office of Education; Title I Migrant Education Project of the National Council of La Raza, 1977.

This administrative study concluded that (1) the Office of Education's Migrant Branch does not have adequate resources to operate and evaluate the delivery of educational services to migrant children; (2) administrative inadequacies exist at all levels which impact upon the migrant education program; and (3) the organizational placement of the Migrant Branch within Title I has resulted in a lack of programmatic support required to effectively administer and monitor the program.

The following recommendations were made:

As long-term improvements, it was recommended that -

1. The Office of Education adopt an efficient administrative design that would meet the staffing, management, and monitoring needs of the Migrant Branch; and

2. The Migrant Branch be given more administrative and operational autonomy, preferably by making the Branch a Division.

On a short-term basis, it was stated that the Migrant Branch needed to improve its monitoring activities and technical assistance to the State programs. In addition, cooperation and commitment to the migrant education program by resource persons in the Division needed to be improved. It was specifically recommended that -

1. The staff be increased by at least seven individuals (five professional and two clerical);

2. The staff be consolidated in a single physical location;

3. The Title I resource persons assigned to assist the Migrant Branch staff be under the direct supervision of the Chief of the Migrant Branch;

4. The Migrant Branch professional staff include individuals with expertise in bilingual education, and that Senior Program Officers be able to provide the States with technical assistance in this area;

5. The Migrant Branch be given the authority to develop, issue, implement, and enforce policies, procedures, and guidelines affecting the administration of the program.

APPENDIX B

HISTORY OF REGULATIONS DEVELOPMENT FOR THE MIGRANT EDUCATION PROGRAM

At the inception of the migrant education program in Fiscal Year 1967, it was assumed that all Title I programs (including the State agency programs) would operate under the general Title I Regulations. The migrant education program was, after all, only an amendment to Title I with the same primary objective of assisting educationally deprived children—the only difference being that the program was directed at a specific sub-group of these children. Too, the program was relatively small at its inception in terms of funding ($9.7 million), representing only a fraction of 1% of the total Title I allocation for Fiscal Year 1967.

Historically, whenever there was a need for more specific direction to the migrant education program, the guidance was provided through Program Guides, Program Information, policy letters and statements, and later, Program Directives. It became increasingly apparent, however, that the migrant education program was too complex and that it exhibited too many substantial differences from the Title I local educational agency program to continue to operate solely under the Title I Program Regulations.

Further, the migrant education program established much stronger roles for both the Office of Education and State educational agencies (SEAs) in terms of their relationship with each other, a more direct administration of the program, and a significantly higher level of responsibility in the absence of the simpler, direct formula entitlements to local educational agencies. SEAs demanded stronger guidance from the Office of Education to better administer their programs which had been specifically entrusted to their agencies at the State level.

In response to this increased recognition of the complexity of the program and the need for specific program guidance, the Office of Education decided to issue a separate set of regulations (proposed as Part 116d) for the Title I migrant education program.

The major events in the development of Part 116d are as follows:

* A Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER on July 8, 1975. The NPRM invited public comment and announced a hearing to be held in Washington, D.C., on August 27, 1975. The hearing was unattended. However, the Office of Education did receive written comments and extensive input through meetings of State coordinators of migrant education programs.

* In response to the comments and other considerations, final regulations were prepared and signed by Commissioner Aguirre. Secretary Matthews sent the regulations back to the Office of Education with a request that more public hearings (at locations where migrant parents could testify) be held.

* The regulations were then re-issued as interim final regulations in the FEDERAL REGISTER, July 13, 1977. Five public hearings to be held during the month of August were announced

with a comment period extending through August 29, 1977. It was also announced that the interim regulations would become effective in approximately 45 days. In fact, the interim regulations took effect on September 5, 1977, and currently govern the Title I migrant education program.

- On August 12, 1977, a lawsuit was initiated in the U.S. District Court of Washington, D.C., by the National Child Labor Committee, et al., contending that (1) the beneficiary population would not be provided with sufficient opportunity to comment because of the scheduling of the hearings during August, and (2) the Office of Education would not have adequate time to consider the comments received prior to the effective date of the regulations. The Office of Education explained that the comments received would be considered in preparing the final regulations, but that in the meantime, the interim regulations would continue in effect. The Judge dismissed the case with the understanding that the Office of Education would analyze the comments received and publish final regulations "as soon as possible." Plaintiffs have appealed. That appeal may be heard as early as September 1978, by which time the Office of Education hopes to have issued final regulations, thereby making the appeal moot.

- Although the District Court ruling was in favor of the Office of Education, the Commissioner, in a notice in the FEDERAL REGISTER of August 27, 1977, announced three additional public hearings to be held during the month of November and the extension of the comment period through December 9, 1977.

A total of eight public hearings were held during which over 300 persons testified. The transcribed testimony totals over 1,800 pages. In addition, the Office of Education received over 200 pages of written testimony from 43 individuals and organizations.

A review of the comments and further study of the interim final regulations has identified issues concerning (1) parental involvement, (2) linguistic assessment of children and subsequent instruction, (3) the definition of agricultural activity, (4) evidence of child eligibility, (5) services to children of illegal aliens, (6) guardianship, (7) interstate coordination, (8) day care and preschool services, and (9) designation of operating agencies. These issues and the proposed resolutions were discussed with the Department Regulations Panel at two meetings, February 15 and March 9, 1978.

Further, the Secretary was notified of the major issues, and the Office of Education's proposed resolution of the issues, through an Early Warning Memorandum from the Commissioner, dated June 14, 1978.

In order to check on the readability of the redraft of the Title I, ESEA, Migrant Education Program Final Regulations, five sections of the regulations that include narrative sentences were selected. (It is nearly impossible to perform standard readability checks on material that is substantially a listing, as is much of the regulations.)

The readability check that was used was the Gunning-Fog Index. This index considers the use of polysyllables and the length of sentences in determining readability. The figures that result indicate the years of formal education that a reader of average intelligence would need to read the selection with ease and understanding. The readability levels of the selected sections have been reduced anywhere from 1.2 to 10.4 years each. The Migrant Branch staff member and the representative of the Office of the General Counsel who are jointly working on the regulations have made every attempt to further simplify its language.

APPENDIX C

EXISTING SYSTEM FOR APPLICATION PROCESSING

EXISTING SYSTEM FOR APPLICATION PROCESSING

At present, there is not a unified document that describes fully the administrative system for processing grant applications for Federal assistance under the Migrant Education Program. This brief summary, then, is based on descriptions given by staff members and on several individual flow charts, information sheets, and internal forms.

Allocations for Migrant Education Program

Allocations for all Title I programs for Fiscal Year 1979 were determined by the National Center for Educational Statistics in March, 1978. This was the earliest such allocations have ever been made. The State allocations for the Migrant Education Program are determined according to a formula specified in the Act. Data on average per pupil expenditures for each State and the number of full time equivalent migratory children for each State are required to determine the allocations to the States. The number of migratory children is determined by the use of statistics made available by the Migrant Student Record Transfer System. The system has been described by GAO as the most accurate available, and periodic studies by OE have validated the reliability of the system.

The allocations for the Migrant Education Program came off the top of the Title I appropriation, and the program is fully funded with a guaranteed hold harmless of 100% of the previous year's entitlement. Because of this, it would be possible to make allocations for the program in advance of other Title I allocations. The total allocation for Fiscal Year 1979 is $173,548,829. (Attachment 1) Texas alone has an allocation of over $47 million; California over $37 million; Florida nearly $17 million; and Washington over $6 million. Thus, four States account for more than 60% of program funds. Twenty-four other States have allocations between $1 million and $5 million. Each State contributes a percentage of its allocation, as determined by the United States Commissioner of Education, to support the Migrant Student Record Transfer System. The percentage is 1.843 for FY 1979.

Solicitation of Applications

After NCES has computed the allocations, the Director of the Division of Education for the Disadvantaged notifies each State of its allocations for the various Title I programs. The Program Directive for the Migrant Education Program was signed by the Director on March 28, 1978, for the current funding cycle. (Attachment 2)

The Program Directive requests that applications be submitted by October 1, 1978, but there is no absolute deadline for filing of applications. In the past, some States have applied several months after the Fiscal Year has begun.

The time frame within which a State may expect to receive final approval of its application is not stated. In practice, this time frame varies considerably depending on the time required to make an adequate evaluation. The range for Fiscal Year 1978 was 18 days to 115 days, and the average number of days for processing an application was 55. The application is the standard OMB form for grants for nonconstruction programs, as modified for the Migrant Education Program.

In addition to its new allocations, a State may carry over unused funds from the previous year. Use of these funds must be separately identified in its application. In the past, some States have carried over as much as 50% of their allocations.

States are directed to send their applications to the Chief of the Migrant Branch. In addition to the Program Directive, technical assistance on application preparation was provided at the National Conference for State Directors of Migrant Education in December, and individual assistance is available upon request.

Receipt of Applications

When a grant application is received from a State, it is date stamped by the secretary in the Migrant Branch. The original and one copy are kept in a special file, and the second copy is sent to the Senior Program Specialist responsible for that State. At present, the States are divided among four program specialists.

The Senior Program Specialist makes an initial review to determine if the application is "substantially approvable." This is done by completing the Initial Review Checklist, an internal form. (Attachment 3) In effect, the items indicate that the application is substantially complete.

If complete, the Senior Program Specialist prepares a letter to the Chief State School Officer of the State for the signature of the Director/DED stating that the application has been received, that it is in substantially approvable form, and that it will now receive an in-depth review. Applicants are advised that additional information will be requested, if needed. If the application is incomplete, the letter details what is required to place the application in substantially approvable form.

Application Review

In either case, the review process is continued by the Senior Program Specialist utilizing a second and more detailed checklist entitled Application Review and Approval Checklist. (Attachment 4) As in the case of the Initial Review Checklist, this document is an internal form. There is space for the signature of two reviewers, but only the Senior Program Specialist makes this detailed review and signs the form.

The first three parts of the form consist of more than 60 items to be checked to determine application completeness including a review of the budget. The review of the budget is minimal since funds to be awarded to LEAs or others as subgrants are simply indicated by a lump sum. Items are checked either "Yes" or "No" and there is a space for comment. Some items are marked "not applicable," and others duplicate items contained on the Initial Review Checklist.

The fourth part of the form contains a series of questions dealing with the adequacy of the Program Narrative. These items are not weighted to indicate their relative importance, and the reviewer again answers "Yes" or "No" to each question.

If during his/her review, the Senior Program Specialist determines that information is missing or is concerned about the quality of the program proposed, he/she calls the State Title I Migrant Coordinator and seeks additional clarification and/or information. If a dispute develops, the Program Specialist "holds" the application in an attempt to obtain compliance. There is no stated limit on how long an application may be held, but it has been for as long as four months. In some cases, formal action is taken to approve part of a grant application while "holding up" other portions still in dispute.

During the foregoing process, there is no formal mechanism by which the Chief State School Officer is kept informed. The power of the Senior Program Specialist to seek additional information is limited only by the willingness of State project coordinators to supply it.

Upon determining that the application is approvable, the Senior Program Specialist prepares the Grant Award Document, the Congressional Notification, the Accounting Data information required by OE's Finance Office, and Standard Form 424-Official Notification to the States. This package is then routed to the Financial Analyst in the Program Services Branch of DED for fiscal review, to the Chief, Migrant Branch, for review and recommendation, and then to the Director/DED for final approval. Documentation is then sent to the Deputy Commissioner/BESE and to the OE Finance Office for approval to commit funds. Additional questions may be and are raised during this process. Upon obligation of funds, the Grant Award and Congressional Notifications are mailed or distributed by the Migrant Branch.

Since the inception of the program, every application submitted by a State Educational Agency has eventually been approved.

Bypass Provision

Section 122(a)(2) of the Act cites three specific conditions upon which the Commissioner may disapprove all or any part of a State application for a migrant program grant:

> "If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit

> private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section."

Except for setting aside a sum for funding the Migrant Student Record Transfer System, this provision has never been invoked. The States of Alaska, American Samoa, Guam, Hawaii, New Hampshire, Rhode Island, the Trust Territory of the Pacific, and the Virgin Islands do not operate programs even though program officials have information that indicates there are migratory children in need of service in most and probably all of these States. Several of these States once had allocations, but no longer are allocations made for them due to their unwillingness to make effective use of the funds. No attempt was made to invoke the bypass mechanism to seek other agencies to serve the children despite the presence of this provision in the Act.

Reallocation Procedures

Section 122(b) of the Act grants the Commissioner reallocation authority if the allocation for a State is in excess of what is needed to carry out the State's programs and projects to serve migratory children. Only limited use has been made of this provision, and the conditions under which it may be activated have not been clearly defined by regulation.

The provision was first used in June, 1975. In that year, the Migrant Branch requested each State to report excessive funds or to request additional funds if needed. Eight States returned funds for a total of $1,320,275. These funds were reallocated to ten of eleven States requesting a total of $1,917,914 based on the following order of priority:

1. For purposes of expansion of programs reflecting an increase of children to be served.

2. For purposes of preschool services to release older siblings for school attendance.

3. For purposes of increasing instructional and/or supportive services to the current population

served.

4. Construction and/or mobile facilities to house #3 above.

5. Identification programs.

6. Studies and surveys for program content and development.

In FY 1977 $299,418 in migrant program funds were reallocated from one State to another.

Consequences of Existing System

--- OE has frequently been criticized for delays or lateness in funding SEAs. The absence of firm receipt dates for applications and the lack of deadlines by which OE must respond may both account for this. States are not held accountable for submitting their applications in a timely manner, and there are no standards to guide program staff on what constitutes responsiveness in program review.

--- Review by a single Program Specialist, no matter how dedicated, utilizing criteria that are not precise, weighted, or quantified places excessive reliance on the subjective judgment of a single individual. In the absence of precise criteria, there can be little doubt of whose judgment will prevail in a serious dispute between the Title I office and the Chief State School Officer of a State supported by his/her Congressional representatives. The absence of precise criteria, the use of informal procedures, and the absence of formal procedures requiring the revision of weak portions of an application make it difficult to monitor.the grant program for quality service to migratory children.

Proposals for Improvement

What follows is a detailed system for soliciting, processing, and monitoring grants under the Migrant Education Program. It is intended that the document, when complete, would be available to any party that may have an interest in knowing the procedures utilized in administering the program. Moreover, the document would provide a standard for program management and could be used as a basis for future audits of staff performance. No basis for such evaluation exists at present.

It is recognized that the document itself as well as a number of proposals made therein are management issues. For each proposal made, there is always the option of continuing as is. It is intended that these issues will be resolved during the audit process and a unified document for program management would emerge.

The major proposals for improvement contained herein are:

1. Should firm application receipt and response dates

be set by publishing a notice in the Federal Register? Should the grant processing cycle for the Migrant Education Program begin earlier than at present? (See pp. 1-3 of the document that follows.)

2. Should criteria for the awarding of Title I Migrant Education Program grants be precisely defined and weighted? If so, what is the relative importance of each criterion to be assessed? (See pp. 1-3 plus pp. 19-23.) The document that follows suggests a thorough review of the project narrative by the application of quantified criteria by a three person panel. An alternative is to eliminate the narrative portion of the application entirely and simply give the States the money. This has not been proposed within the document since program critics seem to be asking for greater accountability, not less. On the other hand, simply giving the States the money based on the children needing help does not negate the possibility of using technical program assistance plus intensive monitoring as mechanisms to improve the quality of State programs. This is the current scenario in the basic Title I program.

3. Who should rate the educational quality of applications submitted by the States? (See pp. 16-26. It is suggested that non-Federal readers trained by program staff be utilized. This increases staff available to operate the program during the review process and provides an independent judgment from experts in the field. Other options include review by a panel of three Program Specialists or a combination of Federal and non-Federal reviewers.)

4. Shall a national cut-off score be set to determine the minimum level of quality that must be presented in an application for it to be funded? (See pp. 1-3 plus pp. 26-28.)

5. Under what conditions, if any, should the by-pass mechanism of the Act be invoked? (See pp. 1-3 plus p. 29 for sample letter.)

6. Under what conditions, if any, shall pre-grant site reviews be made? (See pp. 11-13.)

7. Under what conditions should the reallocation provision of the Act be utilized?

STATE APPLICATION FOR GRANT UNDER TITLE I, ESEA, PROGRAM FOR MIGRATORY CHILDREN

INITIAL REVIEW CHECKLIST

	YES	NO
1. Are there an original and two copies?		
2. Does the application have: (a) Part I - standard face page, OE Form 362 (4/77)?		
(b) Part II - 608T application information page?		
(c) Part III - 608T budget information section?		
(d) Part IV - narrative?		
(e) Part V - standard assurances page?		
3. Does the application include, or is there on file in DHEW, the following assurances: (a) Form 441 (Title VI, Civil Rights)?		
(b) Form 639 (Title IX, EA of 1972)?		
(c) Form 596 (Human Subjects, NIH)?		
(d) Form 641 (Section 504, Reh. of 1973)?		
4. Is the application signed by the Chief State School Officer or by an officially designated representative, as listed in our files?		
5. Does the application include the certification and signature of the State Attorney General?		
6. Is the project start date after June 30, 1978, and is the project completion date prior to October 1, 1979?		

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INITIAL REVIEW CHECKLIST (continued)

	YES	NO
7. Does the amount of requested funds equal exactly the State's entitlement for FY 1979?		
8. Does the application identify the Congressional Districts of programs?		
9. If carryover is requested, is there a separate budget section?		
10. Has the State's FY 1977 evaluation report been received?		
11. Based on Branch record lists, as provided, has the State submitted the following:		
(a) Project summaries for FY 1978?		
(b) Final performance report for FY 1977?		
(c) Final financial status report for FY 1977?		

DATE CHECKLIST COMPLETED ______________________

REVIEWER ______________________

APPLICATION FOR FEDERAL ASSISTANCE
NONCONSTRUCTION PROGRAM
MIGRANT PROGRAM

DATE APPROVED (MB)____________________

STATE:____________________

REVIEWER #1____________________ REVIEWER#2____________________________

DATE CLEARED DED____________________

FISCAL YEAR:____________________

PART I. BASIC INFORMATION

	REVIEWER 1			REVIEWER 2			COMMENTS
	YES	NO	NA	YES	NO	NA	
1. Is the Type of Action entered? (Application)							
2. Is the Applicant's Application (a) number entered?							
(b) Date entered?							
3(a) Is the State Application Identifier number entered? (Clearinghouse No.)							
(b) Date Assigned?							
4. Are all required entries completed in Item 4?							
5. Is the Federal Employer Identification No. entered? (9 digit No./same as Item 19)							
6. (a) Federal Catalog Number (13.429)? (Preprinted)							
(b) Educationally Deprived Children - Migrants? (Preprinted)							
7. Is the Title and Description entered?							
8. Did the SEA check the appropriate Type of Application (A)?							
9. Did the SEA mark the appropriate Type of Assistance (A)?							
0. Did the SEA enter the Area of Project Impact (Statewide)?							
1. Did the SEA enter the Estimated Number of Migrant Children Benefiting?							
2. Did the SEA enter the Type of Application (A)?							
3(a) Is an amount of request entered in Item 13a? 13b Is this the total allocation?							
14. Did the SEA enter the Congressional Districts of (a) Applicant (b) Project?							
5. Did the SEA enter the Type of Change (N/A for new applications)?							
16. Did the SEA enter the Project Start Date?							
17. Did the SEA enter the Project Duration?							
18. Did the SEA enter the Estimated Date to be Submitted to the Federal Agency?							
19. Did the SEA enter the Existing Federal Identification Number? (Should be same as #5 12 digits)							
20. Did the SEA enter the Federal Agency to Receive Request?							

REVIEWER 1			REVIEWER 2			COMMENTS
YES	NO	NA	YES	NO	NA	

1. Did the SEA check whether Remarks were added?

2(b) Did the SEA clear the application through the State Clearinghouse? (If so, Did they include a copy of the responses).

3. Is the Name and Title of the Authorized Representative typed in (a)?
(b) Is the signature of the Authorized Representative that of the SEA chief administrator?
Is the signature of the Authorized Representative other than the SEA chief administrator?
(c) Is the "date signed" entered?

. Have the carryover, financial status, performance, previous years project summaries and evaluation reports been submitted? (Check for compliance-Financial and Performance Reports due 60 days after December 31, and 60 days after termination of program,; carryover and evaluation due annually. Needed for appl. approval.)

PART II. PROJECT APPROVAL INFORMATION

. Are all appropriate categories checked in Items 1-9?(Complete all items)

. Is other related assistance indicated in Item 10? (Generally yes; school lunch; public health, etc.)

. Is an explanation of the related assistance provided? (Attach Addendum Part IV)

PART III. BUDGET INFORMATION

. BUDGET SUMMARY

1. Are the appropriate columns and items listed in the Budget Summary? (Columns (a), (b), (e), (g), lines 1 (SEA), 2 (LEA)) (Self-explanatory)

2, Is an amount budgeted for SEA use? (Yes, if funds are allocated for SEA use)

3. Is an amount budgeted for LEA use? (Yes, unless program is administered directly from SEA)

. Are the totals in columns (e), (g), and line 5 correct? (Carry figures in both columns and must correlate)

	REVIEWER 1			REVIEWER 2			
	YES	NO	NA	YES	NO	NA	COMMENTS
BUDGET CATEGORIES							
Does the budget breakdown (6. Object class categories, column (1)) provide a breakdown of each line item and amounts budgeted as entered in the Budget summary for SEA use? (Only SEA funds require breakdown in Column (1). Only total for LEA use in Columns (2), Line (k).							
Are the totals in columns (1), (2), (5), and line k correct? Figures in columns (1) (2) (5) must be entered and correlated with total, Column (5).							
Do the amounts budgeted for SEA and LEA use in the Budget Summary correspond with the totals in columns (1) and (2) of the Budget Categories? (Self-explanatory; check computations carefully)							
Does the total in line 5, column (g) in the Budget Summary correspond with total in line k, column (5) of the Budget Categories? (Must correspond)							
ECTIONS C, D, AND E – NOT APPLICABLE)							
OTHER BUDGET INFORMATION (May be entered as an addendum)							
Is other budget information provided (i.e., unobligated funds, carryover, etc.)?							
Does the information clarify information provided in Sections A and B? (Specifically equipment over $300, contractual; construction, indirect costs							
Has a statement showing total commitment of time and the total salary to be charged to Migrant, Title I, ESEA, for each key member of staff been entered? (Generally stated in percentage of time and actual salary paid							
Has a list of equipment to be purchased been entered? (If $300 or more per unit)							
Is the name of the agency or organization awarded a contract and amount entered?							
Has the total number of consultants to work on the project and costs been entered?							
Has the total cost for training/Activities (e.g. inservice etc.) been entered?							

	REVIEWER 1			REVIEWER 2			COMMENTS
	YES	NO	NA	YES	NO	NA	
8. Has the total indirect cost rate and base applied to been entered?							
9. Have copies of contracts awarded been submitted for OE review? (Required if contract awarded - must adhere to Federal and State contracting policies and procedures.							
ASSURANCES							
1. Is the Statement of Assurances submitted by the SEA?							
2. Is the name of the SEA of the applicant State entered on line for Name of Applicant at the top of the form?							
3. Has the date been entered to indicate when the form was signed by the SEA chief administrator?							
4. Has the name of the SEA of the applicant State been repeated on the line for Applicant at the bottom of the form?							
5. Has the form been signed by the SEA chief administrator?							
6. Has the mailing address of the SEA been entered on the appropriate lines at the bottom of the form? (See following page - Certification of Attorney General)							
PROTECTION OF HUMAN SUBJECTS CERTIFICATION							
1. Did the SEA enter the Identification Number (if known) at the top of the form? (Not a specific requirement)							
2. Has the SEA marked the appropriate categories in the Identification Number box? (Grant/New)							
3. Has the Title of Proposal (Item 1) been entered?							
4. Has the name and title of the project director been entered in Item 2?							
5. Has the name of the Institutional Component or Department been entered in Item 3? (If a specific Department within the SEA.)							
6. Has the SEA marked the appropriate statement in Item 4, (A)?							

	REVIEWER 1 YES	REVIEWER 1 NO	REVIEWER 1 NA	REVIEWER 2 YES	REVIEWER 2 NO	REVIEWER 2 NA	COMMENTS
7. Is the signature (Item 5) the same as that in Item 16 of Application for Federal Assistance, Part I? (CSSO or Designated Representative)							
8. Has the date been entered?							
9. Is the date the same as that in Item 15, Application for Federal Assistance, Part I?							
10. Has the title of the authorized representative and telephone number been entered in Item 6?							
11. Has the name and mailing address of the SEA been entered in Item 7?							

PART IV. PROGRAM NARRATIVE

A. OBJECTIVES AND NEED FOR THIS ASSISTANCE

	REVIEWER 1 YES	REVIEWER 1 NO	REVIEWER 1 NA	REVIEWER 2 YES	REVIEWER 2 NO	REVIEWER 2 NA	COMMENTS
1. Has the total number of migrant children to be served been entered?							
2. Have the following categories been entered:							
a. Interstate Agricultural - currently migratory							
b. Intrastate Agricultural - currently migratory							
c. Interstate Fishermen - currently migratory							
d. Intrastate Fishermen - currently migratory							
e. Five-year Provision - formerly migratory							
3. Have the number of migrant children to be served been entered in the following grade levels:							
a. Preschool							
b. Kindergarten							
c. Elementary							
d. Secondary							
e. Ungraded							

B. NEEDS ASSESSMENT

	REVIEWER 1 YES	REVIEWER 1 NO	REVIEWER 1 NA	REVIEWER 2 YES	REVIEWER 2 NO	REVIEWER 2 NA	COMMENTS
1. Did the SEA conduct a migrant program needs assessment?							
2. Have the cognitive, affective and psychomotor needs been entered by grade level?							

	REVIEWER 1			REVIEWER 2			
	YES	NO	NA	YES	NO	NA	COMMENTS
re the methods for determination for each cognitive, affective and ychomotor need been specified?							
ve the health and social needs for all students been entered?							
ve the instructional areas by grade level to be funded by Migrant, ESEA, tle I, been entered?							
RFORMANCE OBJECTIVES							
ve the performance objectives been entered?							
the performance objectives indicate or describe the persons affected?							
the performance objectives specify the conditions under which the havior will take place?							
the performance objectives describe the behavior expected?							
the performance objectives state the level of performance expected?							
the performance objectives state the name and form of the test, or her objective means, that will be used to measure the level of performance?							
the performance objectives indicate the month and year that pre- and st-testing will be conducted?							
ve the program activities reflecting the performance objectives been tered (Instructional and Supportive)?							
SERVICE TRAINING							
ve the persons responsible for inservice training been entered?							
ve the inservice training workshop participants been entered?							
ve the inservice training activities been entered?							

1

	REVIEWER 1			REVIEWER 2			COMMENTS
	YES	NO	NA	YES	NO	NA	
Have the time factors for the inservice training workshops been entered?							
Have the evaluation procedures for workshop results been entered?							

EVALUATION

Has information on the evaluation design been entered?							
Has the selection/development of measurement instruments to be used in conducting both pre- and post-testing been entered?							
Does the pre-testing include all the activities which are designed to obtain data on project participants prior to the participation in project services?							
Is data collection on pre-testing on a timely basis, immediately after administration?							
Is the analysis of the data provided to project personnel on a timely basis?							
Does the post-test include both cognitive and non-cognitive objectives?							
Is the analysis and comparison of pre- and post-testing data conducted on a timely basis?							
Is the method and data for evaluating exemplary projects entered?							
Does the evaluation design include data collection methods to assess results of the supportive services?							
Has the method for dissemination of program information on an inter/intrastate basis been entered?							
Has the method for determining interstate continuity of instruction been entered?							

MISCELLANEOUS

Has a biographical sketch of key SEA personnel been entered?

	REVIEWER 1			REVIEWER 2			COMMENTS
	YES	NO	NA	YES	NO	NA	
2. Have maps or other graphic aids been entered?							
3. Has chart on accomplishment of program milestones been entered?							
4. Has a plan for parental involvement been entered?							

COMMENTS/REMARKS

ROUTE SLIP FOR CLEARANCE OF MIGRANT GRANT AWARD

From:

MIGRANT BRANCH
ROOM 3642G, ROB #3
Phone: 245-9899

FISCAL YEAR 1979

STATE:

PROJECT NO.: AMOUNT

ROUTE TO	SIGNATURE	DATE RELEASED FROM YOUR OFFICE	COMMENTS
RAM SPECIALIST ANT BRANCH			
NCIAL ANALYST RAM SERVICES BRANCH			
, ANT BRANCH			
CTOR, DED			

ENTS:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE · USA

ESEA TITLE I

PROGRAM DIRECTIVE

OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

SUBJECT
Fiscal Year 1979 Allocation For Title I, ESEA, Migrant Education Program

TYPE AND NUMBER OF DIRECTIVE
INST. M302-36

DATE SIGNED
March 28, 1978

ISSUING OFFICE
DED/MB

REFERENCE
Title I, ESEA, Section 122; P.L. 95-205, Continuing Appropriations, 1978, dated December 9, 1977.

To : Chief State School Officers

Purpose: This Instruction Indicates the Full Authorization of Title I Migrant Education Program Funds Available to States for Fiscal Year 1979.

1. The amounts available for the Title I, ESEA, migrant education program for Fiscal Year (FY) 1979 are shown on the enclosed table.

2. Under Section 122(a)(2) of Title I, the Commissioner has authorized a set-aside of $3.2 million for the Migrant Student Record Transfer System. This amount was deducted proportionately from each State's total allocation.

3. Beginning July 1, funds are available to a State educational agency upon approval of its application by the Office of Education. An original and two copies of the "Application for Federal Assistance for the Elementary and Secondary Education Act Migrant Program, Title I" (OE Form 362) should be completed and submitted to:

   Mr. Vidal A. Rivera, Jr.
   Chief, Migrant Branch
   Division of Education
   for the Disadvantaged
   400 Maryland Avenue, S.W. (Room 3642G, ROB-3)
   Washington, D.C. 20202

4. Your agency's current FY 1978 application has been approved only through September 30, 1978. Because authority to expend FY 1978 funds after that date must be requested at the time of submittal of your agency's FY 1979 application, we are requesting that both your agency's FY 1979 application, and a complete description and budget covering all services to be provided with FY 1978 funds estimated to be carried over into FY 1979 be submitted to this office by October 1, 1978.

4. The completed application must conform to the standards as set forth in "Instructions for Application for Federal Assistance" (OE Form 362).

5. USOE will review the following additional documents before it will consider the approval of an application. Please be sure that these documents have been transmitted and are available for review by the appropriate program officers in USOE:

   a. FY 1977 State evaluation report.

   b. Copies of all FY 1978 project applications approved by the SEA.

   c. The FY 1977 Financial Status Report and Performance Report that were due 60 days after the close of the FY 1977 grant award period.

Richard L. Fairley
Director, Division of
Education for the Disadvantaged

Enclosure

cc: State Title I, ESEA, Migrant Coordinators
State Title I, ESEA, Coordinators

A REPORT
TO THE
CALIFORNIA STATE DEPARTMENT OF EDUCATION

This report of recommendations is based on findings of the Title I migrant program review conducted by staff of the U.S. Office of Education, March 7-11, 1977.

Members of the team visited Title I migrant projects in Woodland, Courtland, Winters, Stockton, Fresno, Tulare, Visalia, Bakersfield, Cochella Valley, and the State educational agency in Sacramento.

The information in this report was acquired through examination of the California Migrant Program Application, the State migrant program evaluation, local project applications, other State and local documents, fiscal records, onsite visits, and interviews with State agency and local project personnel.

The State Department of Education, Title I, ESEA, staff has been instrumental in bringing about the improvement of various program components. These improvements are noted in subsequent paragraphs. The review team also found some program areas in which further improvements are needed. The recommendations for possible corrective action are set forth in this report.

FINDINGS AND RECOMMENDATIONS

PROGRAM QUALITY

POLICIES AND PROCEDURES

The SEA staff is to be commended for the formulation and documentation of comprehensive migrant program administrative policies and procedures.

CORRECTIVE ACTION

Listed below are the corrective actions taken by the SEA in keeping with the recommendations made as a result of the previous program review. The SEA staff is to be commended specifically for:

—The transfer of one consultant from a Title I migrant program funded position to a Title I-funded position. This consultant was not devoting full time to the migrant program.

—All non-professional personnel being paid 100% from Title I migrant funds are totally assigned to the migrant program.

—The monitoring document which guides the review process of a local program now requires monitoring the provision of supportive services from other sources prior to the expenditure of Title I migrant funds.

—SEA approval required for, but not limited to, health and dental services to insure that such services are in compliance with the stipulations of the California Master Plan and on a needs basis.

—The SEA initiated independant county audits through a contract with Gilbert Vasquez & Company. A concern in this area will be addressed later in this report.

—The expansion of program services to older migrant children, i.e., high school students.

—Use of the prescribed A-102 budget format by local projects.

—The State of California's participation in the continuing interstate project of the Education Commission of the States to improve cooperation between States for the benefit of migrant children. A concern in this area will be addressed later in this report.

LOCAL PROJECTS

Quality program services were found by the review team at the following local sites:

—The Woodland High School pilot secondary school program, which offers comprehensive bilingual educational tutorial services, counseling and guidance, health and social services, and job placement services, has been instrumental in the increased enrollment, attendance, and retention of secondary school students. This approach is worthy of replication in other schools in the State.

—The Courtland K-6 School offers a well coordinated program of bilingual tutorial services to the migrant children in the school. The learning environment and the assimilation of the migrant children in all school activities are to be commended.

—The Van Buren School has assumed and overcome the difficult task of coordinating the numerous federally-funded programs to which the school is entitled. Services and funding sources are clearly delineated.

—The Taylor School Multi-Cultural Center and multi-cultural services to the school population are outstanding. The materials and services are well developed, comprehensive, and in keeping with the varied ethnic influences that contribute to the nation's social structure. This program is also worthy of replication in California and possibly many other States.

—In Cochella Valley the review team found:

—Regularly scheduled effective workshops for Title I personnel at the regional level.

—Active and well informed Parent Advisory Councils.

—Daily use of a Spanish language radio station for the recruitment of migrant children and to publicize program activities. The county office also utilizes a local TV station to disseminate information to the community about the program.

—Supplementary services of a high quality provided to identified migrant students.

AREAS OF CONCERN

REGIONAL OFFICES/STATE EDUCATIONAL AGENCY

It has been the understanding of this office that the regional offices, through service agreements, were to be extensions of the State educational agency for purposes of carrying out the operational aspects of the migrant program and providing more immediate and effective technical assistance to participating local projects. We did not take issue with the concept. However, it has been repeatedly and strongly emphasized that the State educational agency in Sacramento has the prime responsibility for the control of the administration and operation of the migrant program, as a State agency program, and as such the regional offices could not assume that responsibility. The review team found regional office practices that are not in compliance with the service agreements and, therefore, raise doubts about the degree of administrative control exercised by the State educational agency. The autonomy that has been granted the regional offices has been instrumental in creating the following conditions:

—It was difficult for the review team to ascertain the actual responsibilities and scope of influence the SEA migrant staff exerts in relation to the regional offices. The regional offices have employed personnel who have similar responsibilities and operate independently of the SEA staff.

—Fiscal accountability exercised by the regional offices is lax, as has been evidenced by the previous migrant program review letter and the results of the independent county audits conducted by Gilbert Vasquez & Company. Specifically, we refer you to the following examples:

a. Interest accrued on migrant funds at the county levels not reported as program income.

b. No record of the acquisition costs for fixed assets (property and equipment).

c. Two-three year fiscal records not easily available.

d. Incomplete personnel files with no record of qualifications for employment.

e. Cases where expenses have been incurred after the program year.

f. Purchases reviewed, approved, and signed by unauthorized persons. The accounts clerk is the only person who approves the school districts' request for reimbursement.

g. Variances in budgets requested by the SEA.

Contracts and service agreements as noted in the previous review do not contain a sufficient amount of information in the areas of needs assessment and project activities to allow the SEA to make the required determinations regarding size, scope, and quality including provisions (45 CFR 116.18):

> To assure the applications..."describe the objectives of the project in relation to...special educational needs."
>
> To assure the application "demonstrates that the project has been sufficiently well planned to meet those objectives and that the project makes adequate provision for its implementation in an effective manner."

—The SEA has developed an instrument and comprehensive plan for monitoring. Selection is based on size and location of the LEA as indicated by Migrant Student Record Transfer System (MSRTS). In addition, the SEA responds to special monitoring requests from the regional offices. The regional offices participate in the review. A copy of the completed monitoring instrument goes to the school and to the regional office. Provisions are made for a formal response and follow-up if required. The contract, however, requires that the regional offices administer and evaluate supplemental educational programs for migrant children in regional areas. In addition, Article IV of the agreement specifically states that the contractor (regional office) "shall monitor...." The regional offices conduct a "friendly" monitor and review effort prior to that scheduled by the SEA. No record is kept by the regional office of this visit other than the schedule. It was stated that this requirement was verbally amended. Confusion exists at the SEA and the regional office as to what this actually implies. No formal procedure exists at this time to amend the contract.

—Local projects are experiencing lack of personnel resources (resource teachers, aides, etc.) due to delays in hiring approval being granted by the regional offices.

—There is a lack of teaching materials and supplies at the local project levels due to the regional offices' insufficient monitoring and subsequent inactivity in determining and providing for the needs of said projects.

—Recommendations by SEA consultants for staff development activities and suggestions for the use of free resources are unheeded by the regional offices due to the establishment of their own priorities and the lack of delegation of responsibilities and authority for the conduct of this important program component.

Recommendation: It is recommended that:

a. The SEA reassess the operation and role of the regional offices in the Title I migrant program. Of particular importance is the determination as to whether or not those offices are honoring the stipulations in the service agreements, following the established lines of authority and not circumventing the SEA migrant program office. The Office of Education is not suggesting how the SEA should be organized, but that the current operation of the regional organization be evaluated in terms of its effectiveness and its cost in Title I migrant program funds. If the regional offices are to be functional entities and not just another administrative layer, then those offices should be responsive to conditions set forth in the California Plan for the Education of Migrant Children.

b. The SEA exercise more strict control of the regional offices' fiscal practices and that the findings and recommendations in the Gilbert Vasquez & Company audit report be taken into consideration for possible corrective action to assure fiscal accountability.

c. Contracts and service agreements should be redesigned so that they contain the information required by regulations. Emphasis should be placed on the needs of migrant children rather than on a formula.

d. In order to effectuate more adequate and effective monitoring by the regional offices, they be required to comply with all the stipulations of the contract or service agreements unless such are formally amended.

e. The SEA take the necessary action to assure that the needs, specifically personnel, materials and supplies, and staff development, of the local projects are carefully assessed by the regional offices and that procedures be refined to expedite the delivery of services to meet those identified needs.

COMPLAINT PROCEDURES

As of the date of this review, the SEA has not established a formal procedure for resolving complaints. The complaint, as described, is initially reviewed by the Director and is then referred by him to a team to investigate. The procedure as described was not clear and subject to various changes and modifications.

Recommendation: Immediate action should be taken to comply with the regulations (41 CFR 116.6) that "the State educational agency shall establish procedures for investigating complaints alleging violations of Title I or the regulations...."

ORGANIZATION AND STAFFING

The SEA consultants are assigned by program functions. Individually, they are not fully informed about other program areas of concern within the local project level.

Recommendation: Consideration should be given to redeploying SEA migrant program staff on a program generalist basis and establishing a system of communicating with staff members so that they are fully informed of problem areas at the local project level as well as outstanding instructional practices and materials.

At the time of this review, 3.5 professional and one clerical personnel were being paid from Title I (one percent) administrative funds. The approximate total of these salaries is $95,337. The FY 77 Title I migrant program allocation for the State of California was $24,546,604 which, based on the one percent generated for administration of the program, would amount to $245,466. While no specific amount is earmarked for the administration of programs in any of the Title I categories, the small amount devoted to the migrant program is unjustifiably low.

Upon review of salaries paid to SEA migrant staff totally from Title I migrant program funds, all but one could be accounted for as providing services exclusively to the migrant program, the exception being in the SEA evaluation department. The review team could not determine the percentage of time nor the extent of services provided by that person for the migrant program.

Recommendation: The SEA is requested to conduct an assessment of the distribution of Title I (one percent) administrative funds and Title I migrant program funds paid for salaries at the SEA level to determine whether the distribution is equitable and whether there is a total commitment of time and services to the migrant program by the person in the evaluation department whose salary is charged to Title I migrant program funds. If such is not the case, steps should be taken to make the necessary salary adjustments.

MIGRANT STUDENT RECORD TRANSFER SYSTEM (MSRTS)

A breakdown in procedures to be followed for the transfer of MSRTS records from the local projects to the terminal center was found in Region IV. The records clerk in Parlier withdrew children and forwarded their records to the terminal operator without updated academic or special interests data or teacher signature. The terminal operator at the terminal center in Fresno did not process the records due to the lack of teacher signature, filed the records, and neglected to return the records to the local project for completion. These particular records were lost in excess of 90 days. This was a disservice to the children and to the receiving schools.

Recommendation: Steps should be taken to assure that the local project records clerk, upon withdrawal of a migrant child, return to the teacher incomplete records for immediate update and signature. Upon completion of this requirement, the record should be returned to the records clerk for recheck and transferred to the terminal operator for transaction. It is imperative that the terminal operator be informed of the importance of these records and the need for expeditious handling of records transactions.

IDENTIFICATION AND RECRUITMENT

The SEA demonstrated little evidence of a planned strategy for the identification and recruitment of eligible migrant children. This responsibility has been assumed by the local projects' community aides with no formal direction for the conduct of this activity. Children are enrolled if they appear at school or upon hearsay from within the community. Documented evidence could not be produced to substantiate that information was solicited from other agencies or that actual identification and recruitment visits were initiated specifically for that purpose.

Recommendation: It is suggested that the SEA, in concert with the regional offices and local projects, develop and implement uniform identification and recruitment policies and procedures with prime responsibility for their implementation vested at the SEA level. It is also recommended that identification and recruitment inservice training workshops, geared toward the utilization of effective identification and recruitment techniques, be conducted for personnel involved in this activity and other related activities.

CONSOLIDATED APPLICATION

The review team is concerned with current efforts by the SEA to include the migrant program application in its Consolidated Application. This concern is based on similar efforts made in other States, whereby the Consolidated Application provided insufficient data for making adequate program approval determinations. The unique characteristics of the program were not reflected and it was difficult to isolate and assess proper expenditures of migrant program funds.

Recommendation: The SEA should consider the implications involved in the inclusion of the migrant program application in the Consolidated Application. Efforts should be made to solicit information from the SEA migrant program managers to assess the advantages and disadvantages of such a move and arrive at a decision based upon the findings.

INTERSTATE COORDINATION

The State of California is currently involved in a continuing interstate project of the Education Commission of the States (ECS) designed to improve cooperation between States for the benefit of migrant children. Problems have been encountered by the SEA migrant program representatives in meeting their responsibilities for participation in meetings where the eight participating States are requested to attend. Specifically, constraints with release time and out-of-State travel are the main issues.

Recommendation: Public Law 93-380, Section 122(a)(1)(A) states in part:

> "...and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children."

Therefore, while the State of California has contributed its share of the funding for this interstate project, it is important that the State be represented at ECS meetings where decisions are made that will influence California's and the other States' administration of the migrant program and ultimately the education of migrant children. Your support is solicited in this endeavor.

EQUIPMENT INVENTORY

We are as concerned now as we were during the previous migrant program review regarding the lack of maintenance of an updated SEA equipment inventory and of sufficient control of equipment located in the regional offices. We once again raise that concern.

Recommendation: The SEA should maintain an up-dated migrant program equipment inventory including the location of each item. It is also recommended that the SEA take the necessary measures to assume added control of this equipment and notify the regional offices and local agencies that the migrant program equipment is not their property even though it is housed in their areas. Written notification should also be given to the effect that equipment will be moved whenever the SEA determines that it is no longer needed at a particular site but is needed in another due to shifts in migrant student population or for other circumstances which the SEA deems justifiable.

This report is intended to provide assistance toward improved administration and operation of the migrant program. This office is willing to provide technical assistance as the need arises.

APPENDIX F

PROPOSED ORGANIZATION FOR THE MIGRANT EDUCATION PROGRAM

PROPOSED ORGANIZATION FOR THE MIGRANT EDUCATION PROGRAM

The proposed organizational chart that follows reflects the staffing recommendation made in Problem I in the Internal Management section of the report. The proposed organization and number of positions are needed for effective program operation regardless of organizational placement. At the suggestion of the independent consultant, the chart is presented as an organization rather than as a branch or division.

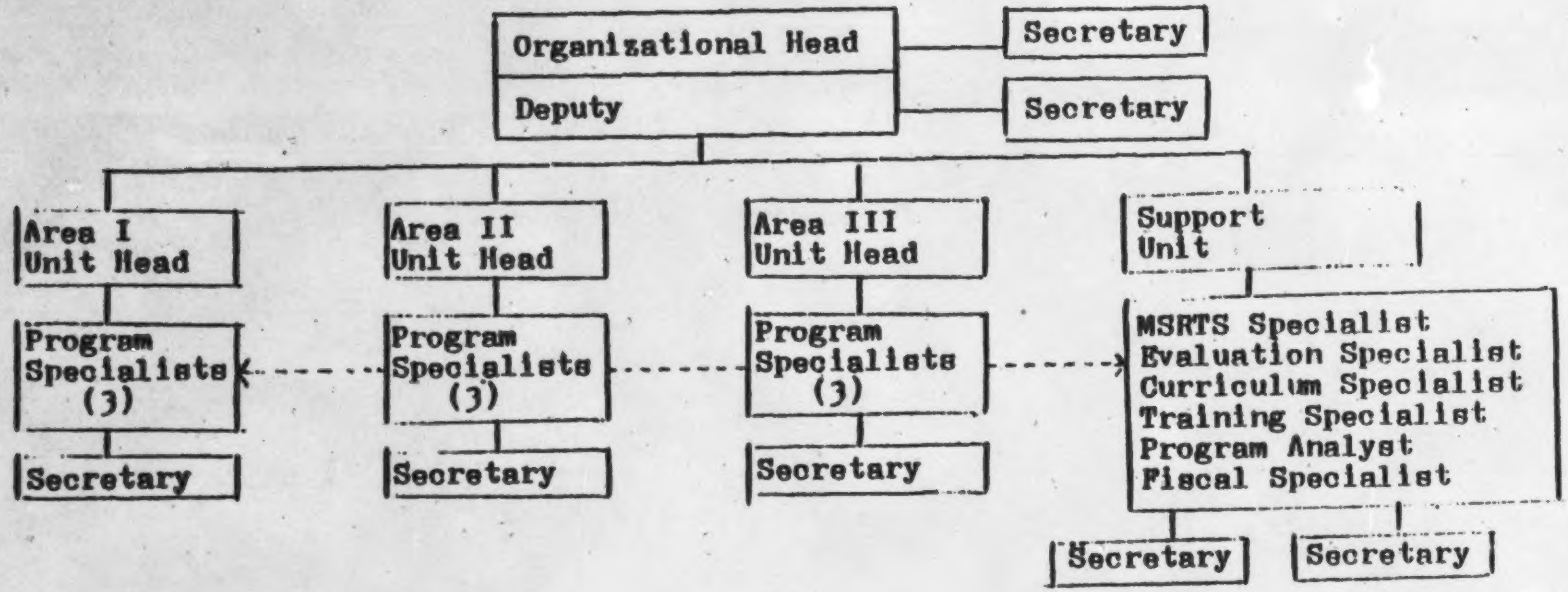
The organization would be headed by two individuals with the deputy responsible for day to day office supervision. The head of the organization would thus be free for a portion of his/her time to devote considerable attention to matters that involve direct contact and interaction with outside groups on such challenges as interagency and interstate coordination. The organizational head would, however, continue to devote considerable time to internal operations as well and would work with his/her five key administrators as a problem solving team.

The three organizational units on the left of the chart would each be responsible for one of the geographic areas on the map that follows the chart. Each area includes one of the three major home base States.

In addition to the unit head, each unit would include three (3) program specialists who would work with the unit head as a team to provide assistance to their States. Each specialist would be trained in all aspects of grants management but each would also specialize in one or more areas such as the Migrant Student Record Transfer System, program evaluation, and fiscal management. Development of key specialties by different individuals within a unit would make it possible to train them in a cost effective manner since in-depth training in specific areas of grants management would only need to be provided to those specializing in the particular area. Each of the three units would be served by a secretary.

The fourth unit would be a support unit to the total organization. The unit head would be a skilled analyst, and the staff would work as a team in generating alternative policy recommendations. Each would, however, have a major responsibility for a significant area as displayed. Each specialist in the support unit will be available to the three area desks when problems arise. Since one of the three education specialists in each unit will have in-depth expertise in each of the support areas, a 140% effort can be brought to bear on major problems when they arise. In addition, this horizontal relationship plus the development of expertise in each of the area units will promote consistency in program interpretation as individual program specialists work with States throughout the Nation.

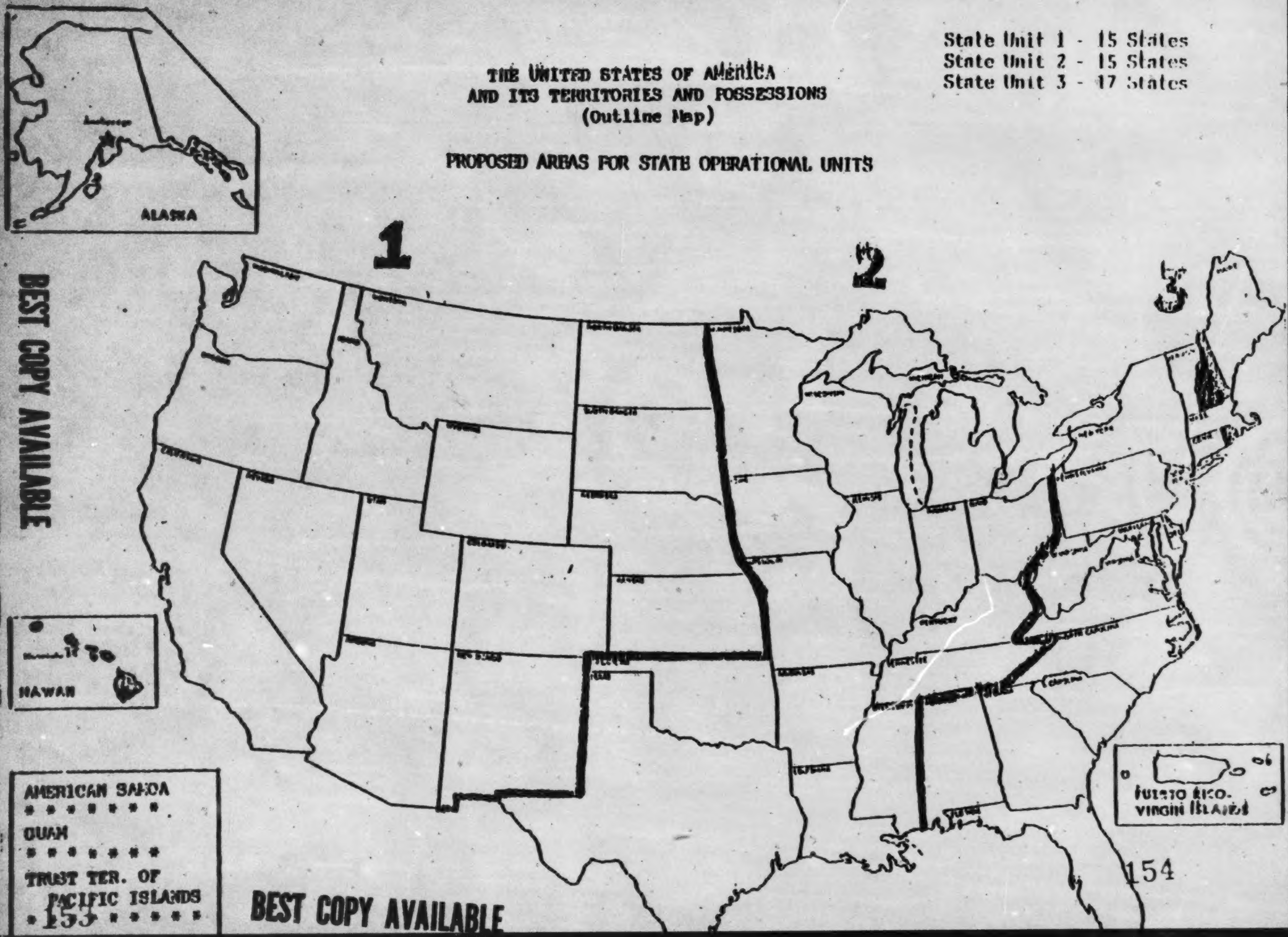
Upon approval of the staffing recommendations contained in the main body of the report and resolution of Issue #15, a complete statement of functions and a detailed grade plan will be prepared. It is important, however, to note that sufficient senior level staff are already in place to fill all of the supervisory positions with the exception of the unit head for the support area. This position will require a thorough search for an individual with both leadership and analytical skills.


Organizational Head
Secretary
Deputy
Secretary
Area I Unit Head
Area II Unit Head
Area III Unit Head
Support Unit
Program Specialists (3)
Program Specialists (3)
Program Specialists (3)
MSRTS Specialist
Evaluation Specialist
Curriculum Specialist
Training Specialist
Program Analyst
Fiscal Specialist
Secretary
Secretary
Secretary
Secretary
Secretary

THE UNITED STATES OF AMERICA AND ITS TERRITORIES AND POSSESSIONS (Outline Map)

PROPOSED AREAS FOR STATE OPERATIONAL UNITS

State Unit 1 - 15 States
State Unit 2 - 15 States
State Unit 3 - 17 States


1
2
3
ALASKA
HAWAII
AMERICAN SAMOA
GUAM
TRUST TER. OF PACIFIC ISLANDS
PUERTO RICO
VIRGIN ISLANDS

NAME OF PROGRAM AREA REVIEWED

INTERAGENCY AND INTERSTATE COOPERATION

SECTION I - REVIEW OF PROGRAM DOCUMENTS AND ACTIVITIES

A. DOCUMENTS REVIEWED *(Check each document reviewed during this review)*

SEA Migrant Program Application		6. Cooperation, Agreements or Contracts	
2. SEA Migrant Program Policies, Procedures and Guidelines		7. SEA Travel Plans and Budgets	
3. Local Project Applications, Project Plans and Budgets		8. OTHER DOCUMENTS REVIEWED *(Specify)*	
Agendas, Correspondence and Minutes of Interagency and Interstate Meetings			
SEA and Local Project Visitation Reports			

B. ACTIVITIES REVIEW

Has the SEA implemented procedure for the involvement of allied agencies concerned with the migrant worker and his family? Identify agencies and responsibilities.

(a) To what extent is the Title I migrant staff knowledgeable about interagency resources?

(b) To what extent is there SEA Title I migrant staff participation in these interagency activities? Describe activities.

(c) What is the policy of SEA administrative staff toward project application approval with little or no interagency component?

3. ACTIVITIES REVIEW *(Continued)*

the SEA provided for interstate cooperation in the development of its State migrant project locations?

What are the agreements and contracts specified by the SEA to facilitate interstate cooperation? Attach copies of agreements and contracts.

What SEA policies promote interstate cooperation?

Are the CSSO and other SEA decision-makers knowledgeable and supportive of the Title I migrant staff's efforts to fulfill the interstate requirement of P.L. 89-750?

What activities substantiate such SEA support?

SECTION II - PERFORMANCE RATING

PERFORMANCE CRITERIA	RATING POINTS 5 EXCEPTIONAL	 4 MORE THAN ADEQUATE	 3 ADEQUATE	 2 NEEDS IMPROVEMENT	 1 INADEQUATE
1. SEA has implemented a procedure for the involvement of all allied agencies involved with the migrant worker and his family as it relates to the education of the migrant child.					
2. SEA sets forth policies and requirements for LEA to establish interagency coordination at project level.					
3. SEA assures that provisions are made at the project level for the coordination of services in accordance with SEA policies.					
Title I migrant staff is knowledgeable of the services and policies provided by allied agencies.					
SEA has established policies for local project applications to indicate utilization of interagency resources before approval.					
SEA is actively involved in support of other agency migrant activities.					
SEA assures that Federal requirements for interstate cooperation are being met in State application design.					
SEA has identified specific areas of interstate cooperation.					
SEA has established policies for interstate agreements and commitments.					
SEA Title I migrant staff is knowledgeable of and participates in interstate activities.					
CSSO and top SEA decision-makers are knowledgeable of and support Title I migrant staff fulfillment of the interstate requirements of P.L. 89-750.					

TAL number of points recorded by view Team	
TAL number of points possible under rformance Criteria	
CENTAGE (a ÷ b)	

157

BEST COPY AVAILABLE

ATTACHMENT E.

A REPORT
TO
CALIFORNIA STATE DEPARTMENT OF EDUCATION

FINDINGS AND RECOMMENDATIONS OF A REVIEW OF THE TITLE I MIGRANT PROGRAM UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT

March 7-11, 1977

CONDUCTED BY U.S. OFFICE OF EDUCATION

Ms. Janice Williams
Ms. Maria Marrero
Dr. Melvin Williams
Mr. Joseph Bertoglio

NAME OF PROGRAM AREA REVIEWED

MIGRANT STUDENT RECORD TRANSFER SYSTEM (MSRTS)

SECTION I - REVIEW OF PROGRAM DOCUMENTS AND ACTIVITIES

A. DOCUMENTS REVIEWED *(Check each document reviewed during this review)*

State Plan	☐	6. Teletype Statistical Reports	☐
2. Local Projects	☐	7. Monthly Report on Teletype Operators Efficiency	☐
. Teletype Communications	☐	8. OTHER DOCUMENTS REVIEWED *(Specify)* Statewide Contracts for Terminal Operators	
. SEA Correspondence	☐		
. Conference/Workshop Agendas	☐		

B. ACTIVITIES REVIEW

(a) What policies and procedures has the SEA developed to facilitate the use of the MSRTS at the project level?

(b) How often are these policies and procedures updated and by whom?

How is the SEA migrant staff trained in the effective use of the MSRTS? Is training up to date?

What procedure has the SEA developed to assure that LEA's properly identify the migratory status of children (inter-, intrastate or five year) in the MSRTS?

B. ACTIVITIES REVIEW (Continued)

4. Have all terminal operators been properly trained for the MSRTS?

5. How does the SEA staff determine terminal operator effectiveness?

6. Have back-up operators been identified for the terminal operators? If so, are they assigned to the terminal operators?

7. How does the SEA migrant staff use the Arkansas monthly statistical reports? Identify any problems inherent in their use.

8. Identify the uses which are made of the monthly terminal operators efficiency reports by the SEA migrant staff.

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SECTION II - PERFORMANCE RATING

PERFORMANCE CRITERIA	RATING POINTS				
	5	4	3	2	1
	EXCEPTIONAL	MORE THAN ADEQUATE	ADEQUATE	NEEDS IMPROVEMENT	INADEQUATE
SEA has developed State policies and procedures for utilization of the MSRTS.					
itle I migrant staff is knowledgeable about the MSRTS nd utilizes its services.					
EA ensures that LEA's properly enter identified igratory status of children in MSRTS.					
erminal operators have all been trained in their roles by the Arkansas staff.					
erminal operators are knowledgeable about the MSRTS.					
Local migrant program applicants are knowledgeable about the MSRTS and its use.					
A provides for trained back-up terminal operators.					
A utilizes the Arkansas statistical monthly reports for management purposes.					
A utilizes the monthly terminal operators efficiency reports.					
AL number of points recorded by w Team					
AL number of points possible under [illegible] Criteria					
NTAGE (8 ÷ 9)					

NAME OF PROGRAM AREA REVIEWED

MIGRANT PROGRAM MONITORING

SECTION I - REVIEW OF PROGRAM DOCUMENTS AND ACTIVITIES

A. DOCUMENTS REVIEWED *(Check each document reviewed during this review)*

1. SEA Monitoring Plan, Procedures and Schedule		6.	
2. SEA Monitoring Instrument		7.	
3. SEA On-Site Visit and Follow-up Reports		8. OTHER DOCUMENTS REVIEWED *(Specify)*	
4. MEA Responses to Visits and Follow-up			
5.			

B. ACTIVITIES REVIEW

1. (a) Attach SEA migrant plan for monitoring including time schedule and frequency, objectives, criteria for selection of MPA's to be monitored, strategies, and monitoring instrument.

(b) What are the areas monitored? Check where appropriate: ( ) needs assessment; ( ) performance objectives; ( ) parental involvement; ( ) evaluation design; ( ) resource identification/coordination/utilization; ( ) dissemination design; ( ) non-public school participation; ( ) fiscal management; ( ) project area selection; ( ) identification instrument; ( ) program management/administration; ( ) program size; ( ) program scope; ( ) program quality; ( ) probability of success; ( ) exemplary programs; ( ) general compliance with regulations and guidelines.

How does the SEA assure that migrant projects properly expedite their contracts?

3. What follow-up procedures has the SEA developed regarding programmatic and compliance deficiencies noted during on-site visits?

8. ACTIVITIES REVIEW *(Continued)*

(a) What procedures has the SEA developed and implemented for resolving complaints?

(b) What are the most common complaints?

5. Does the SEA have an established procedure for amending and terminating projects? Attach procedures.

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SECTION II - PERFORMANCE RATING

PERFORMANCE CRITERIA	RATING POINTS				
	5	4	3	2	1
	EXCEPTIONAL	MORE THAN ADEQUATE	ADEQUATE	NEEDS IMPROVEMENT	INADEQUATE
SEA has a systematic and comprehensive plan for monitoring LEA's based on defined criteria.					
SEA assures that LEA projects operate with fidelity to approved project applications.					
SEA has developed and utilizes a monitoring instrument and procedures.					
SEA provides staff for monitoring migrant programs.					
SEA has developed and implements follow-up procedures.					
SEA utilizes monitoring findings in developing its own annual plan.					
SEA has developed and implements procedures for resolving complaints.					
SEA utilizes past evaluations in monitoring activities.					
SEA has developed procedures to amend or terminate migrant projects.					

OTAL number of points recorded by eview Team	
OTAL number of points possible under erformance Criteria	
ERCENTAGE (a ÷ b)	%

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NAME OF PROGRAM AREA REVIEWED

DISSEMINATION AND PUBLIC INFORMATION

SECTION I - REVIEW OF PROGRAM DOCUMENTS AND ACTIVITIES

A. DOCUMENTS REVIEWED *(Check each document reviewed during this review)*

SEA Policies, Procedures and Guidelines	☐	6. State and Local Produced Program Information—(Brochures, Films, Reports, etc.)	☐
2. Title I Migrant Applications and Instructions	☐	7. Complaint Letters and Responses	☐
3. Dissemination Contracts and Products	☐	8. OTHER DOCUMENTS REVIEWED *(Specify)*	☐
4. On-Site Visit and Follow-Up Reports	☐		
5. Conference/Workshop Agendas	☐		

B. ACTIVITIES REVIEW

1. What procedure has the SEA developed for disseminating all State and Federal materials to MPA's?

2. (a) To what extent does the SEA set forth the legal requirements for dissemination in project application forms and instructions?

(b) What is the SEA policy regarding approval of applications when dissemination information is incomplete?

(c) Is Title I migrant staff time allocated to dissemination and public information audits?

B. ACTIVITIES REVIEW *(Continued)*

(a) How does the SEA identify and disseminate exemplary practices and projects to its LEA's?

(b) Within SEA, are there other units which provide dissemination services? Describe.

Are there contracted dissemination services provided to the Title I migrant program? What are the products and budget?

What SEA Title I migrant staff needs in the areas of dissemination and public information have been identified?

What procedures has the SEA implemented for investigating and resolving complaints regarding compliance with public information requirements?

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SECTION II – PERFORMANCE RATING

PERFORMANCE CRITERIA	RATING POINTS				
	5	4	3	2	1
	EXCEPTIONAL	MORE THAN ADEQUATE	ADEQUATE	NEEDS IMPROVEMENT	INADEQUATE
1. SEA has implemented a procedure for disseminating to MPA's all information relative to Federal and State legislation, regulations, guidelines, PSP's, etc., in all program areas of Title I migrant.					
2. SEA sets forth legal requirements for program dissemination in State project application forms and instructions.					
SEA assures in its project application review process that each applicant describes methods for reviewing, selecting and disseminating information and that public information requirements are met.					
SEA Title I migrant unit has a dissemination program based on stated objectives.					
5. SEA utilizes available resources in meeting its dissemination objectives.					
SEA develops technical assistance strategies which are responsive to the needs of MPA's in the areas of dissemination and public information.					
SEA develops inservice training strategies which are responsive to the dissemination needs of the SEA Title I migrant staff.					
SEA verifies that dissemination activities are being implemented by migrant project applicants.					
SEA has implemented a procedure to investigate and resolve complaints regarding compliance with public information requirements.					
0. SEA has implemented dissemination controls to avoid duplication.					

TOTAL, number of points recorded by Review Team	
TOTAL, number of points possible under Performance Criteria	
PERCENTAGE (a ÷ b)	%

FORM 4557, 7/73

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SECTION II - PERFORMANCE RATING

PERFORMANCE CRITERIA	RATING POINTS				
	5	4	3	2	1
	EXCEPTIONAL	MORE THAN ADEQUATE	ADEQUATE	NEEDS IMPROVEMENT	INADEQUATE
1. SEA has developed and implemented a statewide plan for evaluation which meets Federal requirements and requires results of objective measurement of educational achievement of participating migrant children.					
2. SEA develops technical assistance and inservice training strategies which are responsive to LEA evaluation needs.					
3. SEA utilizes available resources in meeting its evaluation objectives. (SEA Level).					
4. SEA analyzes and utilizes evaluation data collected from LEA's.					
5. SEA coordinates and utilizes migrant evaluation data from other migrant programs.					
6. SEA validates LEA evaluation data and monitors procedures.					
7.					
.					
.					
0.					
TOTAL number of points recorded by Review Team					
TOTAL number of points possible under Performance Criteria					
PERCENTAGE (a ÷ b)					

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education
Elementary and Secondary Education Act of 1965, P.L. 89-10 As Amended
Title I, Assistance for Educationally Deprived Children

State Programs for Migratory Children
Total Amount Available for Fiscal Year 1979

STATE	AMOUNT	STATE	AMOUNT
TOTAL	$173,548,829		
Alabama	698,191	New Mexico	2,382,53
Alaska	-	New York	3,368,21
Arizona	4,553,358	North Carolina	3,831,23
Arkansas	3,147,309	North Dakota	748,64
California	36,431,906	Ohio	1,488,65
Colorado	1,835,539	Oklahoma	1,029,48
Connecticut	1,209,665	Oregon	3,201,35
Delaware	571,310	Pennsylvania	1,294,23
Florida	16,600,362	Rhode Island	-
Georgia	1,470,751	South Carolina	632,28
Hawaii	-	South Dakota	36,81
Idaho	2,311,437	Tennessee	316,36
Illinois	1,095,136	Texas	46,836,07
Indiana	985,886	Utah	264,67
Iowa	141,796	Vermont	135,80
Kansas	813,307	Virginia	764,55
Kentucky	3,079,905	Washington	6,298,44
Louisiana	1,522,427	West Virginia	205,45
Maine	1,963,807	Wisconsin	899,96
Maryland	932,895	Wyoming	275,74
Massachusetts	2,635,528	Puerto Rico	1,069,51
Michigan	4,582,889	District of Columbia	-
Minnesota	1,134,559		
Mississippi	2,516,859	Reserve	3,200,00
Missouri	1,335,480		
Montana	856,375		
Nebraska	335,462		
Nevada	269,311		
New Hampshire	-		
New Jersey	2,237,318		

Request of Budget Office
[illegible]
3/10/78

Allotment of funds under P.L. 89-10, Title I, Part A, Subpart 2, State Agency Grants, Migratory Children Programs: FY 1979

	Total State Allotments 1/	MSRTS reserved amount 2/	Balance, available to States 3/
50 States, D.C. and Puerto Rico	$173,548,329	$3,200,000	$170,348,829
Alabama	711,306	13,115	698,191
Alaska	00	00	00
Arizona	4,538,893	85,535	4,453,358
Arkansas	3,206,431	59,122	3,147,309
California	37,116,278	684,372	36,431,906
Colorado	1,370,020	34,481	1,335,539
Connecticut	1,232,389	22,724	1,209,665
Delaware	582,042	10,732	571,310
Florida	15,812,200	311,838	15,500,362
Georgia	1,498,379	27,628	1,470,751
Hawaii	00	00	00
Idaho	2,354,857	43,420	2,311,437
Illinois	1,115,708	20,572	1,095,136
Indiana	1,004,406	18,520	985,886
Iowa	144,460	2,664	141,796
Kansas	828,585	15,278	813,307
Kentucky	3,137,761	57,856	3,079,905
Louisiana	1,551,026	28,599	1,522,427
Maine	2,000,397	36,890	1,963,507
Maryland	950,419	17,524	932,895
Massachusetts	2,685,036	49,508	2,635,528
Michigan	4,668,979	86,090	4,582,889
Minnesota	1,155,872	21,313	1,134,559
Mississippi	2,564,138	47,279	2,516,859
Missouri	1,360,567	25,087	1,335,480
Montana	872,462	16,087	856,375
Nebraska	341,764	6,302	335,462
Nevada	274,370	5,059	269,311
New Hampshire	00	00	00
New Jersey	2,279,346	42,028	2,237,318
New Mexico	2,427,294	44,756	2,382,538
New York	3,431,490	63,272	3,368,218
North Carolina	3,903,203	71,970	3,831,233
North Dakota	762,709	14,063	748,646
Ohio	1,516,520	27,964	1,488,556
Oklahoma	1,048,820	19,339	1,029,481
Oregon	3,261,488	60,137	3,201,351
Pennsylvania	1,318,343	24,312	1,294,031
Rhode Island	00	00	00
South Carolina	544,153	11,377	532,231
South Dakota	37,510	692	36,818
Tennessee	322,311	5,943	316,368
Texas	47,715,885	879,814	46,836,071
Utah	259,544	4,872	254,672
Vermont	138,360	2,551	135,809
Virginia	778,317	14,352	763,965
Washington	6,416,733	[illegible]	[illegible]
West Virginia	209,317	3,860	205,457
Wisconsin	915,375	[illegible]	[illegible]
Wyoming	280,323	5,180	275,143
District of Columbia	00	00	00
Puerto Rico	1,039,598	[illegible]	[illegible]
American Samoa			
Canal Zone			
Guam			
Puerto Rico			
Virgin Islands			

See footnotes attached.

llotment of funds under P.L. 89-10, Title I, Part A, Subpart 2, State Agency Grants, Migratory Children Programs: FY 1979

/ The total State allotment is computed on the basis of estimated number of FTE migratory children per MPAS run for calendar year 1977 forwarded by the Director, Division of Education for the Disadvantaged, O.E. under date of February 3, 1978 and 40% of the State current expenditure per pupil in average daily attendance, 1975-76 or not less than 40% of 80% of the national average and not more than 120% of 80% of the national average C.E. per A.D.A., 1975-76, with no State receiving less than its FY 1978 amount. Minimum C.E. does not apply to Puerto Rico.

/ $3,200,000 for the Migrant Student Record Transfer System, as approved by the Commissioner of Education for FY 1979, reserved from Column 1.

/ Amount available to the States for Migratory Children Programs (Column 1 minus Column 2).

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